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ARCHIVES OF MARYLAND

PROCEEDINGS

OF THE

COUNCIL OF MARYLAND

AUGUST 10, 1753—MARCH 20, 1761

LETTERS

TO

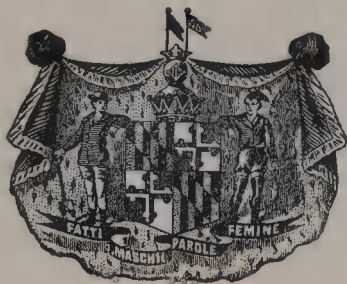
GOVERNOR HORATIO SHARPE

1754-1765

PUBLISHED BY AUTHORITY OF THE STATE, UNDER THE DIRECTION
OF THE MARYLAND HISTORICAL SOCIETY

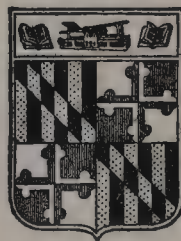
WILLIAM HAND BROWNE

Editor



BALTIMORE
MARYLAND HISTORICAL SOCIETY

1911



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ROOMS OF THE MARYLAND HISTORICAL SOCIETY,

BALTIMORE, *May 15, 1911.*

To the Maryland Historical Society:

GENTLEMEN:

We have the honor to submit the Thirty-first Volume of the Maryland Archives, being the Proceedings of the Council of Maryland from August 10, 1753, to March 20, 1761; to which are added Letters to Gov. Horatio Sharpe in the years 1754 to 1765.

Respectfully,

CLAYTON C. HALL,
HENRY STOCKBRIDGE,
BERNARD C. STEINER,

Committee.

ARCHIVES OF MARYLAND.

The following volumes have been published:

I.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1637/8-
1664, - - - - - 1883

II.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1666-1676, 1884

III.

PROCEEDINGS OF THE COUNCIL, 1636-1667, - - - - - 1885

IV.

JUDICIAL AND TESTAMENTARY RECORDS OF THE PROVINCIAL
COURT, 1637-1650, - - - - - 1887

V.

PROCEEDINGS OF THE COUNCIL, 1667-1687/8, - - - - - 1887

VI.

CORRESPONDENCE OF GOVERNOR HORATIO SHARPE, I, 1753-1757, 1888

VII.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1678-1683, 1889

VIII.

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IX.

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1761, - - - - - 1890

X.

JUDICIAL AND TESTAMENTARY RECORDS OF THE PROVINCIAL
COURT, 1650-1657, - - - - - 1891

XI.

JOURNAL OF THE MARYLAND CONVENTION, JULY 26-AUG. 14,
1775, JOURNAL AND CORRESPONDENCE OF THE COUNCIL
OF SAFETY, AUG. 29, 1775-JULY 6, 1776, } 1892

XII.

JOURNAL AND CORRESPONDENCE OF THE COUNCIL OF SAFETY,
JULY 7-DEC. 31, 1776, - - - - - 1893

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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, 1684-1692, 1894

XIV.

CORRESPONDENCE OF GOVERNOR HORATIO SHARPE, III, 1761-
1771, - - - - - 1895

XV.

PROCEEDINGS OF THE COUNCIL, 1671-1681, - - - - - 1896

XVI.

JOURNAL AND CORRESPONDENCE OF THE COUNCIL OF SAFETY,
JAN. 1-MARCH 20, 1777, JOURNAL AND CORRESPONDENCE
OF THE STATE COUNCIL, MARCH 20, 1777-MARCH 28, 1778, } 1897

XVII.

PROCEEDINGS OF THE COUNCIL, 1681-1685/6, - - - - - 1898

XVIII.

MUSTER ROLLS AND OTHER RECORDS OF SERVICE OF MARYLAND
TROOPS IN THE AMERICAN REVOLUTION, - - - - - 1899

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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARY-
LAND, SEPTEMBER, 1693-JUNE, 1697, - - - - - 1899

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JOURNAL AND CORRESPONDENCE OF THE COUNCIL OF MARYLAND,
APRIL 1, 1778-OCTOBER 26, 1870, - - - - - 1901

XXII.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY, MARCH,
1697/8-JULY, 1699, - - - - - 1902

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PROCEEDINGS OF THE COUNCIL, 1696/7-1698, - - - - - 1903

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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARY-
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PROCEEDINGS OF THE COUNCIL, 1698-1731, - - - - - 1905

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PROCEEDINGS OF THE COUNCIL, 1732-1753, - - - - - 1908

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PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARY-
LAND, OCTOBER 25, 1711-OCTOBER 9, 1714, - - - - - 1909

XXX.

PROCEEDINGS AND ACTS OF THE GENERAL ASSEMBLY OF MARY-
LAND, APRIL 26, 1715-AUGUST 10, 1716, - - - - - 1910

XXXI.

PROCEEDINGS OF THE COUNCIL OF MARYLAND, 1753-1761, }
CORRESPONDENCE OF GOVERNOR SHARPE, 1754-1765, } 1911

PREFACE.

The present volume continues the Council Proceedings from Aug. 10, 1753, to Mar. 20, 1761.

On Aug. 10 Horatio Sharpe assumed the governorship, which office had been administered by President Tasker since the death of Gov. Ogle in 1752. No better man than Sharpe could have been selected for the position. He was just, able, energetic, and conscientious, and he had had military training and experience; qualifications which were soon to be much in demand.

His first worries were over the disputed or unsettled boundaries. The vast territory which William Penn had seized, added to that which had been given him by a man who did not own it, all which were tenaciously held by his heirs, seemed by this time to be irrecoverably lost, partly through the inertness and too easy belief of former Proprietaries, and partly through the neglect of Gov. Ogle to secure the necessary evidence. The temporary lines were very imperfectly determined, whence arose disputes, brawls, and even bloodshed. The Virginia boundary also was still in question. The charter of Maryland called for a meridian line from the first, or farthest, fountain of the Potomac. Lord Fairfax, whose grant was limited by the Maryland boundary, had, in 1746, planted the "Fairfax stone" at the head of the north branch as marking the beginning of his line. Better knowledge of the topography showed that the head of the south branch was really the first fountain. This delimitation Fairfax was very willing to accept, believing that removing his starting-point to the west would add considerably to his territory (p. 20); and probably the matter would then have been settled, but for the outbreak of the French and Indian war.

The anxiety which had been felt since the disclosure of the French plan of a cordon of forts extending south and west from Canada, was brought to a climax by the erection of a fort on the Ohio within the province of Pennsylvania. Active measures of resistance were taken by the British and Provincial governments, and Sharpe was commissioned commander-in-chief pending the arrival of Gen. Braddock with a body of regular troops.

The incidents of this time, the terror of the frontier settlements after Braddock's defeat and death and Dunbar's flight, Sharpe's energetic action, and his trouble with the obstinate Delegates, are more fully recited in the Assembly Journal and in the Sharpe Correspondence.

War, even in its humanest forms, is cruel; but in this the horrors were greatly increased by the employment, on both sides, of savages, whose fiendish cruelty and treachery were encouraged and rewarded. Large bounties were given for scalps, thus adding the stimulus of avarice to their natural ferocity, with the result that they took to scalping friends for profit as well as foes for pleasure, and they even invented a method of making four scalps out of one—an art in which the Cherokees, it is said, especially excelled.

It may be of interest here to note the order of a Maryland flag from England, said flag to be "black and yellow, with the union in one corner."

Anything like a war with the French or with Indians was sure to arouse fanatical suspicion, in a certain element of the people, against their Catholic fellow-citizens. There was preserved among the baser, more bigoted, or more credulous sort, a tradition of a century's standing, that the Catholics were always waiting for an opportunity to cut the Protestants' throats. Charges of plottings and conspiracies were laid before the Governor, who, fortunately, was not a Seymour, and had the matter impartially investigated, when the whole turned out a baseless fabrication. In connection with this a curious example of moral perversity is given in the examination and recantation of one William Marshall or Johnson (pp. 161-174) who seems to have been ambitious of being the Titus Oates of Maryland.

The examinations on pp. 438-467 narrate some queer happenings in the Chesapeake Bay, which have about them something of the flavour of comic opera.

Capt. William Mulkere of the schooner *Industry*, sailing under a letter of marque issued by the Governor of the Caribbee Islands, was standing down the Bay, when he met the brig *Duke of Marlborough*, Capt. David Carcaud, coming up. Mulkere hails the brig and asks the usual questions, coupled with a request for the latest news. Carcaud invites Mulkere on board the brig, who when there asks to see the brig's papers, which request is met by a demand for the sight of Mulkere's commission. This being produced, Carcaud pronounces Mulkere a pirate, but nevertheless exhibits his own papers, which prove to be in an unknown tongue. Being asked if he has no papers

in English, Carcaud produces some clearances which have a suspicious look. Mulkere then goes back to his schooner and sends a boat to the brig for Carcaud and his papers, and he comes on board with them. Finding them as unintelligible on the schooner as they had been on the brig, Mulkere sends a boat to the latter for "two outlandish men" to act as interpreters. When the boat reaches the brig, the whole brig's crew jump in and row off to the schooner. Mulkere seeing the brig thus deserted, asks Carcaud to send back some of his men to take charge of her, but this they all refuse to do, saying that she is now in Mulkere's custody. While matters are under discussion, Mulkere observes that the brig is drifting to the shore, so sends five of his men in a boat to take charge of her.

Some angry wrangling follows, ending in Mulkere's threat to put Carcaud and his men in irons, upon which the latter rise and seize the schooner, apparently without resistance, gag the captain and tie him to the pump, and tie the others in various convenient places. Next they search Mulkere's chest, from which they take his papers and a bag of money. They then signal the brig to come up, and when she is near, all jump into the schooner's boat and row off to her, leaving Mulkere and his crew bound and gagged. When on board the brig they stand up the Bay, taking with them the schooner's five men and her boat. Late at night they put these men into their boat, and they, after a day's rowing, rejoined their own vessel.

Other witnesses vary in details but agree in the general facts.

On the other hand, the captain and others of the brig attempted to justify their proceedings, but not to the satisfaction of the Council, who ordered their arrest on a charge of piracy.

The letters to Gov. Sharpe, printed in this volume, should have been included in the Sharpe Correspondence, and would have been so included had they been in our possession when those volumes were published. We owe their discovery to Col. Oswald Tilghman, formerly Secretary of State, who informed us of their existence in the files of that department, and at our request, the present Secretary, N. Winslow Williams, Esq., kindly made search for them and transmitted them to the Society. To both these gentlemen our thanks are here tendered.

As this correspondence was not of sufficient bulk to justify separate publication, we have appended it to this volume of the Council Journal, covering the same period.

Cecilius Calvert, the writer of nearly all these letters, was the youngest son of Benedict Leonard, fourth Lord Baltimore, and therefore uncle to Frederick, the Proprietary, whose secretary and general factotum he became, and whose entire confidence he seems to have possessed. He appears to have been a fair-minded and just man, having the best interests of the Province, as well as those of his nephew, sincerely at heart. We have had previous occasion to notice the curious lack of coördination between his reflective and expressive faculties, to an extent that we should not have expected in a man of university education. His thoughts, when we get at them, are sensible enough, but in a more or less chaotic state, with difficulty reducible to order. In catachresis he anticipates Mrs. Malaprop; and whenever he ventures beyond the simple sentence we find him distractedly groping in the enchanted maze of anacoluthon.

But these letters are well worth preserving, as throwing an interesting light on the affairs of the Province.

Cecilius died unmarried in 1766, leaving his nephew the only representative, in the direct male line, of the family, and on the death of Frederick in 1771, without legitimate issue, the title became extinct.

PROCEEDINGS
OF THE
COUNCIL OF MARYLAND

FREDERICK CALVERT, LORD BALTIMORE,
Proprietary.

HORATIO SHARPE, ESQ.,
Governor.

1753-1761.

Maryland ss^t

Lib. J. R.
& U. S.
p. 1

Be it remembered that on the tenth day of August in the Twenty Seventh year of the Reign of Our Sovereign Lord King George by the Grace of God of Great Britain France and Ireland King Defender of the faith &c. and in the third Year of the Dominion of the Right honourable Frederick Lord Baron of Baltimore Absolute Lord and Proprietary of the Provinces of Maryland and Avalon &c. Annoq Domini 1753, At the Council Chamber in the City of Annapolis Appeared the honourable Horatio Sharpe Esquire and in the Presence of the Honourable Benjamin Tasker Esq^r Col George Plater Edmund Jenings Esq^r Col Charles Hammond Col. Benjamin Tasker and Benedict Calvert Esq^r Members of his Lordships Council, produced his said Lordships Commission bearing date at London the Seventeenth day of March Anno Domini 1753 constituting and appointing him the said Horatio Esq^r Lieutenant General and Chief Governor of the Province of Maryland and Avalon in America and also Commander in Chief both by Sea and Land of all the Forces raised or to be raised in the said Provinces which being published and read is Ordered to be Recorded in the Secretarys Office.

His Excellency the Governor then took the several Oaths appointed to be taken by Act of Assembly of this Province as also the Oath following

I Horatio Sharpe do swear that I will be true & faithful to the Right Honourable Frederick Lord Baron of Baltimore the true and Absolute Lord and Proprietary of this Province of Maryland and his Heirs and him and them his and their Rights Royal Jurisdictions & Seigniories all and Every of them into and over this his Province of Maryland, the Islands and Territories thereto belonging I will at all times defend and maintain to the utmost of my Power, and will never accept any Place Office or Employment within the said Province anyways concerning or relating to the Government thereof from any Person or Authority but by from or under a Lawful Authority derived or to be derived from his said Lordship his heirs and Assigns; I will faithfully Serve his Lordship as his Governor or Commander in Chief of the said Province and in all other Offices committed to my

Lib. J. R. Charge by his said Ldps Commission or Commissions to me,
 & U. S. and will willingly yield up the said Commission or Commis-
 sions again and all Offices Powers & Authorities Granted or
 to be granted by them or any of them, into the Hands of his
 said Lordship his Heirs or Assigns or to such Person or
 Persons, as he or they shall appoint whensoever he or they
 shall appoint me so to do, and shall Signify the same unto
 me; and will not presume to put in Execution or attempt to
 execute any Office Power or Authority granted unto me by
 any of the said Commissions after that his said Lordship
 p. 2 or his Heirs or Assigns Lords & Proprietaries of the said
 Province shall repeal them respectively and that the said
 repeals be published in this Province: I will do equal Right
 to the Poor and to the Rich within this Province to the best
 of my Skill Judgment and Power according to the Laws and
 Ordinances of the said Province and in Default thereof
 according to my Conscience and best discretion, and to the
 Power granted or to be granted unto me by his said Lord-
 ships Commission or Commissions; I will not for fear
 favour or Affection or any other Cause hinder or delay Jus-
 tice to any, but will truly Execute the said Office and Offices
 respectively according to his said Lordships Commission to
 me in that behalf and to the True Intent and Meaning
 thereof and not otherwise to the best of my Understanding
 and Judgment: I will not know of any Attempt against his
 said Lordships Person or his Right or Dominion into or over
 the said Province or the People therein but I will prevent
 resist or oppose it to the utmost of my Power and make the
 same known with all convenient Speed to his Ldp and I will
 in all things from time to time as Occasion shall require
 faithfully Council and advise his said Lordship according to
 my Heart & Conscience.

So help me God.

His Excellency the Governor took also the following
 Oath

I Horatio Sharpe Governor of his Lordships Province of
 Maryland do Solemnly Swear that I will do my utmost that
 Every the Clauses Matters and things contained in the fol-
 lowing Acts of Parliament of his Majestys Kingdom of
 Great Britain Viz^t an Act Entituled an Act for the Encourag-
 ing and the Encreasing Shipping and Navigation made in the
 Twelfth year of the Reign of King Charles the Second; The
 Act for preventing frauds and regulating Abuses in his
 Majestys Customs made in the fourteenth year of the said
 Kings Reign; The Act for the Encouragement of Trade

made in the fifteenth year of the said Kings Reign; The Act to Prevent the Planting of Tobacco in England and for regulating the Plantation Trade made in the Twenty Second and Twenty third years of the said Kings Reign and continued by a Clause in the Act against clandestine running of Goods & for the more effectual preventing of Frauds relating to the Customs made in the fifth year of the Reign of King George the first; The Act for the Encouragement of the Greenland and Eastland Trades and for the better Securing the Plantation Trade made in the Twenty fifth year of the said King Charles Reign; The Act for regulating Frauds & preventing Abuses in the Plantation Trade made in the Seventh and Eighth years of the Reign of King William the third; The Act for Encouraging the Importation of Naval Stores from his Majestys Plantations in America made in the third and fourth years of the Reign of her late Majesty Queen Ann so far forth as it is continued and explained by an Act giving further Encouragement for the Importation of Naval Stores &c. made in the Eighth year of the Reign of King George the first; The Act to permit the Exportation of Irish Linnen Cloth to the Plantations &c. made also in the third & fourth years of the same Queens Reign and continued and explained by an Act passed in the third Year of the Reign of King George the first for continuing the Liberty of exporting Irish Linnen Cloth to the British Plantations in America Duty free &c.; The Act for an Union of the two Kingdoms of England and Scotland made in the fifth year of the same Queens Reign in which are certain Articles Relating to the Plantation Trade more particularly the fourth fifth and Sixth; The Act for ascertaining the rates of Foreign Coins in her Majestys Plantations in America made in the Sixth year of the same Queens Reign; The Act for the Encouragement of the Trade to America passed in the same Year of the said Queens Reign; The Act for continuing Several Impositions Additional Impositions & Duties upon Goods Imported &c. and to Limit a time for Prosecution upon certain Bonds given by Merchants (called in the Act Plantation Bonds) made in the Eighth year of the same Queens Reign; The Act against clandestine Running of uncustomed Goods, and for the more effectual Preventing of Frauds relating to the Customs made in the fifth year of his late Majestys Reign; and the Act giving further Incouragement for the Importation of Naval Stores and for other Purposes therein mentioned made in the Eight year of his late Majestys Reign; and also the Act for the more Effectual Suppressing of Pyracy made in the same year of his late Majestys Reign; now in force relating to this Province and in all Other Acts of Parliament

Lib. J. R.
& U. S.

p. 3

Lib. J. R. now in force, or that hereafter shall be made relating to his
& U. S. Majestys Colonies or Plantations, shall be punctually and
bonâ fide observed according to the true Intent and meaning
of the same Acts of Parliament

So help me God.

The Honourable Benjamin Tasker Esq^r delivers to his
Excellency the Great Seal of this Province, and thereupon
his Excellency the Governor takes the Oath of Chancellor in
the following Words

I Horatio Sharpe do swear that as Chancellor & Keeper of
the Great Seal of this Province I will well and truly Serve his
Lordship the Right honourable the Lord Proprietary of this
Province and do Equal Right to all his Majestys Subjects to
the best of my understanding Skill and knowledge, I shall not
debar or hinder the Prosecution of Justice nor take any Gift
Bribe reward or fee for the delaying thereof but will behave
myself Justly and truly and hear and Judge decree & deter-
p. 4 mine all Matters that shall regularly come before me for de-
termination according to Equity and Good Conscience ac-
cording to the Duty of my said Office and according to the
best of my knowledge during my continuance in the said
Office or until I shall be by Lawful Authority discharged
therefrom

So help me God.

All which said Oaths were Administred unto his Excel-
lency by the Members of his Lordships honourable Council
now Present.

After taking the Several Oaths af^d his Excellency Sub-
scribed the Oath of Abjuration and Test according to the
directions of the Act of Assembly af^d

The Several Members of his Lordships Council now pres-
ent take the Oaths to the Government appointed to be taken
by Act of Assembly and also the Oath of Councillor and
Subscribe the Abjuration & Test.

Advised Resolved and Ordered that a Proclamation be
forthwith issued for the publication of his Excellency the
Governors Commission and directing all Officers Civil and
Military to continue in the Execution & Discharge of their
Several Offices until his Excellencys Pleasure shall be further
known and Signified therein which Proclamation being pre-
pared is as follows Viz^t

By His Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland. Lib. J. R.
& U. S.

A Proclamation

Whereas Frederick Absolute Lord & Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore by his Commission under his Great Seal at Arms bearing date at London the Seventeenth day of March Anno Domini 1753 has with the approbation of his Most Sacred Majesty been pleased to constitute me the said Horatio Sharpe Governor & Commander in Chief in and over this his Lordships Province of Maryland which Commission was this day published in the Presence and hearing of the Members of his Lordships honourable Council and others the Kings Subjects his Lordships Tenants in this Province at the City of Annapolis, I have therefore by and with the Advice of his Lordships Council of State thought fit to issue this my Proclamation notifying the same to all Sheriffs Magistrates and others his Lordships Officers in this Province, and I do further Will and direct that All Officers both Civil and Military Execute and discharge the Several Trusts and Duties in them Reposed and enjoyned by the Present respective Commissions to them granted until such time as my further Pleasure and directions shall be Signified therein. Given at the City of Annapolis this 10th day of August in the Twenty Seventh year of the Reign of Our Sovereign Lord George the Second of Great Britain &c King and in the third year of his Lordships Dominion Annoq Domini 1753

[Great Seal]

J. Ross Cl Con.

At the Court at S^t James's the 10 day of May 1753.

p. 5

Present

The Kings Most Excellent Majesty
in Council

His Majesty having been pleased to declare his Royal Allowance and Approbation of Horatio Sharpe Esq^r to be Lieutenant Governor of the Province of Maryland in America according to the Nomination of the Lord Baltimore Lord Proprietary of the said Province, He this day took the Oaths before his Majesty in Council, appointed to be taken instead of the Oaths of Allegiance and Supremacy, and also the Oath Required to be taken by the Governors of his Majestys Plantations for putting in Execution the Acts of Trade and Navigation

W. Sharpe

Lib. J. R. The following Commission is ordered to be here Entered
& U. S. F. Baltimore

Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon in America Lord Baron of Baltimore of the Kingdom of Ireland To Our trusty and wel-beloved Benjamin Tasker George Plater Edmund Jenings Charles Hammond Samuel Chamberlain Philip Thomas Daniel Dulany Edward Lloyd Benjamin Young Benjamin Tasker jun. Richard Lee and Benedict Calvert Esq^{rs} Greeting Know ye that We reposing Special Trust and Confidence in Your Wisdom diligence and Experience have Assigned and appointed you jointly and Every of you Severally to be our Privy Council of State within our said Province of Maryland, and We do hereby Give unto you and Every of you full Power and Authority from time to time and at all times here after untill We or Our heirs shall Signifie Our or their Pleasure to the Contrary to Assemble and Meet together with our Lieutenant or Chief Governor of Our said Province for the time being when and where he shall from time to time direct and Appoint to Treat Council deliberate and Advise of all Matters Causes and things which shall be discovered unto you or brought before you as well concerning the quiet Government of the People of Our said Province as of the Good and Safety thereof Witness my hand and Great Seal at Arms. Given at London this Seventeenth day of March in the Second year of Our Dominion and in the year of Our Lord One thousand Seven hundred & fifty three.

By his Lordships Command
Cecil^s Calvert Secret^{ry}

On the Back of which Commission was this Endorced Entered in the Office of the honourable Cecilius Calvert Esq^r Secretary of the Province of Maryland in America, residing in England

Harman Verelst Assistant

p. 6 His Excellency is pleased to lay before this Board the following Instructions

Frederick Absolute Lord and Proprietary of the Provinces of Maryland and Avalon in America Lord Baron of Baltimore in the Kingdom of Ireland. Orders and Instructions Powers and Authorities to be observed and Persued by our Trusty and welbeloved Horatio Sharpe Esq^r Our Lieutenant General and Chief Governor of Our Province of Maryland.

F. Baltimore

Lib. J. R.
& U. S.

1. With these my Instructions and Our Commission under Our Great Seal at Arms constituting you Our Lieutenant General and Governor in Chief in and over Our Province and Dominion of Maryland in America You are on your arrival and Landing in our said Province forthwith to call together the Members of Our Council of State in form as your Predecessors have done, and make known my Commission to them for that Purpose under Our Great Seal at Arms bearing even date with these my Instructions; and you are also with all due and usual Solemnity to cause and make known to them my Commission to you under Our Great Seal at Arms constituting you Our Lieutenant General and Chief Governor of Our said Province of Maryland to be read and published at the said meeting which being done you are to Qualify yourself by taking the oaths accordingly as your Predecessors have done, in respect to Acts of Parliament and Acts of Assembly for that purpose and Our said Council of State are in like manner to do the same; and you are also to take the Oath required to be taken by Governors of Plantations, to do their utmost that the Laws relating to the Plantations be observed.

2. You are to Advise with our Council of State, and Act Conformable as heretofore in such Case has been done about Calling the Assembly; and as soon as with their Advice you shall have so assembled, you are to make known to both Houses of Assembly my Speech bearing Even date with these Instructions; and you are to make Speech and deliver the same in My Name to them, and if there be any Laws which are expired and are Proper to be continued, you are on the calling such Assembly under my Authority to recommend to the Council and Assembly the forthwith Reenacting and Renewing all such Laws; And you are to do and Execute all such Publick Acts and other Necessary Transactions in conjunction with Our Legislative Powers, as you and they shall judge most Necessary & Expedient in like manner as has been Practised and done before by your Predecessors under the Several Powers granted to them from my late Dear Father late Lord Proprietary and his Predecessors, and My beloved Guardians during my Minority, and which are now p. 7 granted by me to you, with the usual Reservation to me of my Assent and Dissent to all such Proceedings of yours and theirs, as I shall think and declare from time to time most meet and fitting under my hand and Seal at Arms.

3. You are after your Arrival in Our said Province of Maryland in Case of the Death of any of Our af^d Councillors

Lib. J. R. of State, as you are at all times hereafter during your Resi-
 & U. S. dence as our Lieutenant General and Chief Governor in Our
 said Province to Transmit to and Inform me of all such
 Vacancy or Vacancys with the Name or Names of such Per-
 son & Persons who shall be Proposed and as you shall think
 most fit to Succeed in our said Council; and you are not to
 fill up such Vacancy or Vacancys until you have received
 either my Commission or Approbation of the Person and
 Persons to be Appointed on such vacancy or vacancys to
 become a Member or Members of Our said Council of State.
 But whenever the Number of our said Council of State by
 death or Absence shall be Reduced to or below the Number of
 Six you are then at Liberty to Nominate and Appoint any
 Member or Members of our said Council of State so as to
 keep up the Number of seven Councillors Resident in our
 said Province Reserving a Power to me either to approve or
 disapprove of such your Nomination and Appointment, and
 in your Choice and Nomination of the Members of Our said
 Council, as also of our officers Judges, Assistants, justices,
 Sheriffs you are always to take Care that they be men of
 Good Life and well Affected to Our Church and State as by
 Law is Established to our Government, and of Good Estates
 and Abilities, and not necessitous Persons or much in debt.
 You ar neither to Augment or diminish the Number of our
 said Council, as it is already established; and you are to
 Signify my Pleasure to the Members of our said Council that
 if any of them shall hereafter absent themselves from our
 said Province, and continue absent above the Space of Twelve
 Months together without leave from you or from the Gov-
 ernor or Commander in Chief for the time being first ob-
 tained or shall Remain absent for the Space of two years or
 the greater part thereof Successively without our leave given
 them under our Seal at Arms their Place or Places in our
 said Council shall be immediately thereupon Void and We
 will appoint forthwith others in their Stead

4. You must Strictly Act consonant to my Royal Charter
 from King Charles the first, Grant by his said Majesty to my
 Noble Ancestor Cecilius Lord Proprietary, and Lord Baron
 of Baltimore you are to uphold and maintain the said Char-
 ters Royal Prerogatives Rights Powers and Authorities so
 Granted to the Reserving and well being of my Just Rights
 and the True good Rule of my Government both in Church
 & State as by Law Established doing equal and Impartial
 Justice unto all Persons his Most Sacred Majestys Subjects
 and my Faithful Tenants, committed by my Powers to your
 Care

5. You shall suffer no Law to Pass, that introduces the Statutes of England in the Gross.

Lib. J. R.
& U. S.
p. 8

6. You are to Pass no Act of Assembly by which the Provision that is made for the Clergy in an Act Intituled An Act for the Establishment of Religious Worship may be taken away, nor are you to Suffer any Act to Pass for dividing or dismembring any Parish of the Province by which the Incumbents may unjustly lose their Income Profits or Provision made for the Clergy, on Account of such taking away or giving to others during the Lives of the Incumbents for the time being without such Incumbent or Incumbents Consent; And you are to Suffer no Private Act to Pass without Notice being first given to the Persons Concerned and Interested & liberty given them to make their Defence, nor no Private Act to be Passed in which there is not a Saving of the Rights of me and my Heirs and all Bodies Politick and Corporate and all other Persons not Named in the said Act.

7. And whereas great Mischiefs may arise by Passing Bills of an unusual and Extraordinary Nature and Importance which Bills Remain in force from the time of Enacting them untill my Pleasure be Signified to the Contrary; I do hereby will and require you not to Pass or give your Consent for any Bill or Bills in the Assembly of Our said Province of Unusual and Extraordinary Nature and Importance wherein my Charter Prerogative or Property of his Majestys Subjects and my Good Tenants may be Prejudiced without having either first Transmitted unto me the draught of such Bill or Bills and having Signified my Pleasure thereupon; or that you take Care in the Passing of any Act of an unusual and Extraordinary Nature that there be a Clause incerted therein Suspending and Deferring the Execution thereof until my Pleasure be known concerning the said Act To the End my Charter Prerogatives may not Suffer and that his Majestys Subjects may not have reason to Complain of Hardships put upon them on the like Occasions.

8. You are to Observe in the Passing of all Laws that what ever may be requisite upon each different Matter be accordingly Provided for by a different Law without intermixing with one and the same Act such things as have no Proper Relation to Each other, and you are more Especially to take Care that no Clause or Clauses be incerted in or annexed to any Act which shall be foreign to what the Title of such Act Imports and that no perpetual Clause be Part of any Temporary Law, and that no Act whatsoever be Suspended Altered Revived Confirmed or Repealed by General Words but that the Title and Date of such Act so suspended, Altered,

Lib. J. R. Revived, Confirmed or Repealed be Particularly mentioned
& U. S. and expressed.

p. 9 9. You are to Suffer no Law Relating to Our Paper Currency to Pass without a Sufficient Clause that it shall not take Effect until it has been Sent Over for my Perusal and my Approbation thereof returned to the Province It being Absolutely Necessary for the Trade of his Majestys Subjects here to Consult with them on that head.

10. You are from time to time to fill up all Vacant Places in our said Province of Maryland and appoint or continue such Person or Persons in offices as my Commissions or Instructions for such Purposes are mentioned; As to all other offices not given so Particularly in Direction to you, you are to Appoint and continue such Persons in such offices during my Pleasure as you shall think necessary and grant them the usual Commissions on your Arrival transmitting to me an Account of all such Persons so put into Employments or Places by you for my Consent and Approbation & in Case after your Arrival as af^d any office Place or Employment in our said Province of Maryland shall become Vacant, you are from time to time to fill up the Same provisionally only untill you shall have Received my Consent & Approbation of the Person or Persons you shall so Appoint to Supply such Vacancy or Vacancys or my Appointment of others whom I shall Approve of for that Purpose

11. You are hereby Directed that no Schoolmaster be henceforth permitted to come from England and to keep School within our said Province without my Licence, and that no other Person now there or that shall come from other Parts be Admitted to keep School without your Licence first obtained, to Prevent any unqualified Persons Acting in that Capacity as Prohibited by law

12. You Shall take especial Care that God Almighty be Devoutly & duly Served throughout your Government, The Book of Common Prayer as by Law Established read each Sunday and Holliday, and the Blessed Sacrament be duly administered according to the Rites of the Church of England; you shall be Careful that the Churches already built there, be well and orderly kept: And I hereby Require and direct you that all Church Livings & Ecclesiastical Preferments which shall become Vacant shall be Notified by you to me for my filling up and Appointing the Preceeding Incumbents thereto; By which means I shall have an opportunity of obliging deserving Persons and thereby knowing those that are Sent over to Our said Province in so good a Character.

13. If any Emergency of Government shall arise not Pro-
vided for by these my Instructions, you are in all things to Lib. J. R.
Act according to your best discretion and Judgment, with the & U. S.
Opinion and Advice Nevertheless of Our Council of State
for the time being Transmitting to me and to our Secretary
of Our said Province the Honourable Cecilius Calvert Esq^r
my Beloved Uncle all such Matters and things and Affairs,
and the Earliest Accounts of such your Proceedings, To be
attendant on and Receive my Approbation.

14. You are to Conform yourself to all such Orders and
Instructions as have been Sent by my late Dear Father the p. 10
late Lord Proprietary or since by my Guardians during my
Minority or which have been Sent by others my Predecessors
to former Lieutenant Governors or Chief Magistrates of
Our said Province, as you shall find them Entered on the
Council Books of Our said Province of Maryland so far as
the same are not altered or varied by these Presents or
former Instructions or such other Instructions as you shall
or may Receive from me, And where any Instruction has
been Altered or Varied by Subsequent Instructions, you are
to follow such last Instruction, and you are upon all Occa-
sions to Send to me or my Secretary of Our Province, in
England to be laid before me, a Particular Account of all
your Proceedings, & of the Condition of Affairs within your
Government

15. In Case of your death or absence from Our said Prov-
ince, and in Case there be at any time no Person upon the
Place Commissionated or appointed by me to be my Lieu-
tenant Governor or Commander in Chief; The Eldest Coun-
cillor whose Name is first Placed in my Commission Appoint-
ing the Council of State in Maryland and who shall be at the
time of your death or absence residing within Our said
Province of Maryland shall take upon him the Administra-
tion of the Government, And execute my said Commission
and Instructions and the Several Powers and Authorities
therein Contained in the Manner thereby directed, But it is
nevertheless my express Will and Pleasure that in such Case
the said President shall forbear to Pass any Acts, except
what are immediately Necessary for the Peace and welfare
of Our said Province without my Particular order for that
purpose.

16. You are to Cause these Our Instructions on your Ar-
rival at Maryland, to be Entered in the Council Books of
Our said Province.

Given under Our hand and lesser Seal at Arms at London
this Seventeenth day of March in the Second year of Our

Lib. J. R. Dominion over the said Province, and in the year of Our
& U. S. Lord 1753 FB

By his Lordships Command
Ceicl^s Calvert Sec^y

p. 11 At a Council held in the Council Chamber on Wednesday
the 15th day of August in the third year of his Lordships
Dominion Annoque Domini 1753.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable	{	Benjamin Tasker Esq ^r	}	Col Edward Lloyd
		Col George Plater		Philip Thomas Esq ^r
		Edmond Jenings Esq ^r		Benjamin Young Esq ^r
		Col Charles Hammond		Col Benjamin Tasker
		Samuel Chamberlain Esq ^r		Benedict Calvert Esq ^r

Samuel Chamberlain, Edward Lloyd Philip Thomas &
Benjamin Young Esquires Members of his Lordships Coun-
cil then present take the Oaths to the Government appointed
to be taken by Act of Assembly and also the Oath of Coun-
cilor & Subscribe the Abjuration & Test.

His Excellency is pleased to lay before this Board the fol-
lowing Copy of his Lordships Instructions

I will and Desire of you on your Arrival in our said
Province of Maryland to get the best Information you can
concerning the present State of the Boundaries I am now in
Possession of between me and the Pensilvanians, both in
respect to the North boundary of Maryland; as also in re-
spect to the Three Lower Counties called Delaware Counties
and of the True Cape Henlopen; and of the Twelve Mile
Circle round Newcastle how it will Affect the head of the
Bay Chesesopeake either Horizontal or Wheel Measurement
and how far North of the said Circle may be a good and
reasonable North Boundary to Maryland in respect as a
South Boundary to Pensilvania and of this I desire you to
transmit me as Soon as possible an Account.

This Board taking into Consideration the above Question
are of Opinion that so much will depend on the North Line
from the Middle or any other point of an East and West Line
across the Peninsula that the most adviseable Steps is to have
a due North Line Run by the Compass from the Middle of
the East and West Line already run from Fenwicks Island
to Taylors Island, by which this Board will be better enabled
to consider what Divisional line may affect the heads or
Navigable Waters of Our Rivers, or Its Intersection with

any East or West Line which may be intended for a North-
ern boundary to this Province and a Southern One to Lib. J. R.
Pensilvania. & U. S.

His Excellency is pleased to lay before this Board the following Copy of his Lordships Instructions

Whereas the Right honourable Lord Viscount Fairfax has a Grant of a large Tract of Land lying and runing along the Banks of Patowmack River on the Virginia Side, and p. 12
whereas I am informed The Powers of Government in Virginia have taken the Liberty to ascertain the Bounds and Limits of his said Lordships Grant runing along the Banks of the said River; which River to the further Banks thereof is limited to me with its Soil and Water and is a Boundary between my Province of Maryland and the Province of Virginia unto the Fountain head of the said River; and Whereas I am informed that Commissioners have proceeded therein and instead of their stopping at the South Branch which Runs from the first Fountain of Potomack River one of the Boundries of Maryland, have cros't to a Branch runing North whereby their Endeavours are to give Limits and Boundary Marks [not] prescribed by my Royal Charter Subjecting me to great Loss of Country, And Whereas it being not known to me that my Predecessor was made a Party to the Settlement of such Boundaries by the said Commissioners; and were it so such Settlement would be invalid by Virtue of my Fathers Marriage Articles, he being only Tenant for Life with Reservation to me as Tenant in Tail, I therefore desire and Require of you as Soon as Possibly you can to get Intelligence how such Boundaries have been or are Settled by the said Commissioners with regard to Lord Fairfax and his Grant; and at the same Time if Opportunity serves you, You may Communicate to Lord Fairfax that I am very desirous of Settling Proper Limits Conclusive between him and me in regard to my Province of Maryland and his Grant in Virginia, And in the mean time you must make and have a good Lookout, and Warning given to such Persons as shall Venture to Settle on such disputed Boundaries between my Province of Maryland and the Province of Virginia under the said Grant to Lord Fairfax

Ordered that the Clerk of this Board write the following Letter, to Col Cresap

Sir

I am commanded by the Governor & Council to desire of you that you will not fail to be at Annapolis by the 2^d Day of next Month as the Business which requires this Attendance

Lib. J. R. concerns the Provincial Bounds on Potowmack, You are also
& U. S. requested to bring with you what Descriptions or other In-
formations you may now have relative to that River and its
Several Branches that further Inquiry, if necessary, may be
directed To Col Thomas Cresap. I am S^r

Your humble Servant

I R

p. 13 At a Council held in the Council Chamber on Wednesday
the 12 Day of September in the third year of his Lordships
Dominion Annoque Domini 1753.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable	{	Benjamin Tasker Esq ^r	{	Philip Thomas Esq ^r
		Col George Plater		Benjamin Young Esq ^r
		Edmund Jenings Esq ^r		Col Benjamin Tasker
		Col Charles Hammond		Benedict Calvert Esq ^r

Colonel Cresap attending this Board Says that in his
Opinion the South Branch of Patowmack is the longest
Branch because it continues the biggest Stream as he thinks
from the Mouth and runs about Sixty Miles North West
further than the North Branch.

His Excellency is pleased to lay before this Board the fol-
lowing Copy of a Letter intended to be Sent by him to the
Right honourable the Lord Fairfax.

My Lord

I have the honour of acquainting your Lordship with my
Appointment to this Government and at the same time ex-
pressing a Sincere Satisfaction from the hopes of being
instrumental in forwarding a mutual Benefit to your Lord-
ship as well as the Lord Proprietary of this Province

Lord Baltimore was pleased to Charge me with an Enquiry
into the True Meridian and Place of the Fountain head of
Patowmeck; The best Information I have been hitherto able
to procure gives me Reason to believe there has been a Mis-
take in fixing the Spring head to the North Branch Since the
Length with other Circumstances more properly denotes the
Southern Branch commonly called Wappacomo to be the
Main & principal Course of that River. I am the more will-
ing to be persuaded of the Truth of this Representation from
the considerable Advantage that will accrue to your Lord-
ship. That Branch I am Informed has never been thor-
oughly explored and traced to it's Source, but I flatter myself

with having your Lordships Concurrence for such an Examination into its Course Length Width and Depth as may bring this Matter to a nearer degree of Certainty and if that should appear to be the fountain head of Patowmeck River I shall not Question but your Lordship will be for taking such Measures as may ascertain the Mutual Limits of the two Proprietorships Agreeable to the Direction and True Intention of their Respective Charters.

Lib. J. R.
& U. S.

His Excellency having been pleased to signify to this Board his Lordships pleasure that We should give our Sense of what Terms might be reasonable for an Agreement between himself and the Proprietarys of Pensilvania in the Settlement of the Respective Limits and bounds of their two Provinces, and Several Plans and observations being laid before Us We are of opinion that so much uncertainty appears at present as well with Respect to the heads of Rivers runing into Chesapeak Bay as to the Circle of Newcastle and the Latitude of the most Northern Bend of Patowmeck River That we could not presume to advise any particular Boundary unless a due North line could be run from the Middle of such and East and West Line as may be agreed on between the Proprietarys across the Peninsula as also a due west Radius run from the Center of the said Circle of Newcastle and the Latitude of the most Northern Bend of Patowmeck to be taken by observation

p. 14

At a Council held in the Council Chamber the 17th Day of October in the third year of his Lordships Dominion Annoque Domini 1753.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable	{	Benjamin Tasker Esq ^r	{	Col Benjamin Tasker
		George Plater Esq ^r		Richard Lee Esq ^r
		Samuel Chamberlain Esq ^r		Benedict Calvert Esq ^r
		Philip Thomas Esq ^r		

His Excellency is pleased to lay before this board the following Instructions

9. You are to take care that no Incroachments be made on my Power and Authority of regulating and ascertaining the Several Officers Fees not regulated by any Law or Act of Assembly but if the two Houses should Pass any Bill which may be a perpetual Law for Limiting and Settling either such fees as are ascertained by the Several Regulations now in force or any other Table of Fees to be agreed on by the

Lib. J. R. two Houses: You may and are hereby permitted to give your
& U. S. Consent to such Bill or if any Fee or Fees in the present regulation should appear to you and the Council of State to be too large or exorbitant or otherwise improper You are hereby directed and Impowered by and with the Advice and Consent of the said Council to make such Abatements and Alterations therein as may be most expedient and Proper

And Whereas the Upper house the Council of State for some years past have thought it Reasonable to withhold some Bills from Passing their house Viz^t

An Act for the Tryal of all Matters of Fact in the Several Counties where they have arisen or shall Arise

An Act continuing an Act entitled an Act for the Recovery of Small Debts out of Court before a Single Justice of the Peace.

p. 15 An Act continuing an Act Entitled an Act for the Relief of Poor Debtors Which aforesaid Acts have been refused by our said Council to be passed by them though Sent up to them from the Lower house of Assembly; by Reason of the Lower house not passing the three pence p Hogshead for Arms and Ammunition; That so necessary a Bill for the Safety and defence of our said Province, might go hand & hand with the other Bills as has been and is usually practiced in the other Governments of America, and which I find by the proceedings of Assembly during my Minority has been all that the Lower house of Assembly themselves have pretended to contend for, except such Matters as they could not seriously be for; they being such as must produce a negative to Government

19. Now my Inclination and desire is that you with the Advice of our said Council of State shall on Mature and Serious Consideration judge for the aforesaid Acts to be expedient and Absolutly necessary for the Benefit Utility and welbeing of our Inhabitants of our said Province of Maryland you are hereby directed and Empowered to give your assent thereto though I cannot help observing on the last mentioned Act That if it is intended as an Act of Insolvency it ought to be under such or the like Restrictions and penaltys as are constantly incerted in Acts of like kind which have been Enacted and passed by the Legislature of Great Britain; as the passing such an Act without such Restrictions and penaltys may be of Destructive Consequence to just and honest Creditors; And this you will Consider yourself and take the Advice of our said Council; As to the Act for three pence p hogshead for Arms & Ammunition you will use your best Endeavours to obtain the same as it has

been heretofore usually Granted for the defence of our said Province and is necessary for that purpose. My concessions to Yeild to the passing the Three af^d Acts called, as I am informed, the Three favourite Laws of the Lower house of Assembly, being given by me for their Utility and Satisfaction, will I hope be recompenced by this Act from them, which I think full as necessary and Expedient for their defence and preservation i. e. The Act of three pence p hogshead for Arms and Ammunition

Lib. J. R.
& U. S.

24. You are to take Care that in all Acts or Orders to be passed within our said Province in any Case for levying Money or Imposing Fines and Penaltys. Express mention be made that the same is Granted or Reserved to me and my heirs for the publick Uses of Our said Province and the Support of the Government thereof as by the said Act or Order shall be directed

69. And whereas an Act was passed at the aforesaid Session of Assembly 1751 Entituled an Act to Aid the Title of Purchasers of Lotts in Princess Ann Town which said Act certainly invades my private Property as Proprietary there being no Saving Clause for preserving my Quit Rents and it determines a doubt of Escheat without apprizing me of my Title even by extinguishing the Right of Escheat, Therefore I think it will be reasonable for me to Reject the said Act, But upon deliberate Consideration have postponed the same, by Reason the aforesaid Act is contained in an Act Entituled an Act for the continuance of Actions and securing the Peace and good Government of this Province passed in the Session of Assembly the 14th December 1751 which said Act confirmed all Acts passed in the Session of Assembly the 15 of May 1751. Thereupon considering my immediate Particular Discent to the said Act of Princess Ann Town would be a Dissolution to the Act for Continuation of Actions &c. as af^d as the Act Contains all the Several acts passed in the former Session of the 15th of May 1751 which is the only cause of my Postponing my Dissent to the said Act of Princess Ann Town, I therefore Will and require you to recommend at your meeting both houses of Assembly the passing a Supplementary and Explanatory Act Reserving to me my Rights in Princess Ann Town otherwise it will occasion my Dissent to the said Act of Princess Ann Town as aforesaid

p. 16

A paper having been laid before this board by the Register in Chancery containing a Request of a Committee of the Lower house of Assembly for the yearly amount of the fees that have arisen in the Chancery Office for Seven or Eight years last past and this Board being acquainted that the same Request is made to the Land Office and Provincial Court

Lib. J. R. It is the Opinion of this Board that the Several Offices have
& U. S. leave to lay before the said Committee the said Lists altho
the Application to them has not been regular

Ordered that the Clerk of this Board draw an Order on the Honourable Col Charles Hammond Treasurer of the Western Shoar Payable to M^r Henry Walls or Order for Twenty five pounds Sterling being his years Salary as Armourer of this Province ending the 29th of September last to be paid out of the Duty of three pence p hhd for Arms &c.

His Excellency is pleased to lay before this Board the following Letter

Frederick Septem^r the 24th 1753

Sir

Yours I received by M^r Young, by which I perceive Lord Baltimore designs to dispute with this Province which is the head or Spring of Patowmeck the length of North Branch as Run out by the Commissioners between his Majesty and me in the Year 1736.

I am intirely that the South would be much to My Advantage, and therefore think it improper for me to Appear therein, and that the Governor of Virginia and your Excellency should transact that Affair if his Lordship should obtain his demand, I must insist upon a new Line between his Majesty and me to the Southward; I heartily wish this Climate may be Agreeable to your Excellency. I remain S^r

Your humble Servant

Fairfax

To his Excellency Horatio Sharpe
Governor of Maryland

At a Council held in the Council Chamber the 12th Day of December in the third year of his Lordships Dominion Annoque Domini 1753.

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r } Col Benjamin Tasker
Honourable { Col Charles Hammond } Benedict Calvert Esq^r

It having been represented to this Board by the Commissioners of the Paper Currency office that a Certain Lewis Desharoone has been lately apprehended at Philadelphia for counterfeiting the Paper Money of this Province and uttering large Quantities of such Counterfeit Bills there

It is the humble Advice of this Board to his Excellency that he be pleased to write to Governor Hamilton desiring that the said Lewis Desharoone may after his Tryal in that Government be delivered to an Officer of this Government who will be appointed to receive him that he may be proceeded against here according to Law. Lib. J. R.
& U. S.

At a Council held at the Governors on Wednesday the 19th day of December in the third year of his Lordships Dominion Annoq Domini 1753.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable	{	Benjamin Tasker Esq ^r	}	Col Benjamin Tasker
		Col Charles Hammond		
		Col Edward Lloyd		Benedict Calvert Esq ^r

His Excellency is pleased to acquaint this Board that Informations have been given from Dorchester County that Certain Persons Inhabiting within this Province have brought down a Surveyor from the Government of Pensilvania to Survey Land (that lies considerably within Our Settlements) adjacent to & joining on Tracts of Land which they themselves the said Persons now hold and enjoy under Maryland Rights and that they do by such proceedings deter many of his Lordships Tenants who were disposed to take up such Land under his Lordship Lord Baltimores Government from Locating Warrants thereon. A Certain Roger Adams who lives in Maryland and pays Taxes in this Province is noticed as a Person, Guilty of such Practices, William Taylor, Jacob Nooner & Arnold Hudson are also charged with bringing a Pensilvania Surveyor from Kent County to Survey and lay out for them Parcells of Land Situated in the midst of our Settlements which said Parcells of Land they now Possess and enjoy as they pretend under Titles Procured from Pensilvania p. 18

It is the Opinion of this Board that Encouragement ought to be given to such Persons as will take up the same Lands by leting them have Warrants to Resurvey the same, and to take their Bonds for the Payment of the Caution Money but that no Patent should issue unto them untill the Caution Money should be paid and they in Actual Possession of the said Land, And Ordered that Instructions be given to the Sheriff of the said County to Apprehend such Persons as shall comẽ into this Province and make Surveys therein under pretence of any Warrants from the Proprietaries of Pensilvania, and the Sheriff is likewise Ordered to carry such

Lib. J. R. Person so offending before some Magistrates of the County
& U. S. who are hereby required to bind them over with Sufficient Sureties for their Appearance to the next Provincial Court

His Excellency is pleased to lay before this Board the following Instructions

As it is necessary for the Safety of the Trade of Our said Province that experienced Persons be and are appointed to Pilot Ships up the Bay as well as up the Several Rivers within our said Province, You are to Suffer none to do so but such only as are appointed to that Service by You or my Agent & Receiver General paying me Yearly as usual and in Case any Person shall Act contrary you are to give directions to my Agent to prosecute them on my behalf according to my Right and as the Law prescribes, and you are to Act herein and in all other Instances where my Rights or Property shall or may be interested or concerned by and with the Advice of Our Attorney General of our said Province in Conjunction with & pursuant to the Advice of Our Several Officers who are intrusted with the Care and Management of my Revenues and to take Care on all Occasions that all and Singular my Rights Jurisdictions privileges Prerogatives Royalties Liberties Immunities Royall Rights & Franchises of what kind soever as well by Sea as by Land be duely preserved And whenever you shall Judge it necessary You are to Advise not only with our said Officers but also to advise with and Consult our Council of State herein

It is the Advice of this Board that the Agent Grant Licenses to such Persons as are Qualified to be Pilots and who Apply for the same, and Ordered that the Attorney General give his opinion in Relation to the said Article Whether Persons acting as Pilots without such Appointment may be prosecuted for the same.

p. 19 Whereas by a Proclamation from my late Dear Father made within Our said Province of Maryland directing that no Grants should be made for any Surplusage Lands Contained in any former Surveys within the Time directed by the said Proclamation to any Person in Possession of the said Surplusage Lands that did not make discovery thereof within the time Limited and fixt by the said Proclamation as there by will more fully Appear and considering it may be necessary I do hereby Order and direct you with the Advice of my Lieutenant Governor and Chancellor on such Consultation having given him Orders to make in my Name Proclamation notwithstanding the Elapse of the said Time; to give Permission to the Possessor of such Lands to Resurvey and take up the said Surplusage Lands in such manner as with the

Advice af^d shall be judged most Expedient and will best Show our Indulgence to the Inhabitants of our said Province But not to prevent the Benefit of the Discovery of Surplusage Lands to such Person who may be Intitled thereto by Virtue of my said Dear Fathers Proclamation

Lib. J. R.
& U. S.

It is thought most expedient to suspend the issuing such Proclamation untill his Lordships further Order

There being large Tracts of Land as I observe Reserved for the Indians which the English have Encroached upon made Surveys & got Grants of them and some, not Stuck to deny, as I am Informed the payment of the Quit Rents, Alledging that they hold of the Indians it is my Order therefore that all these Reserves be Erected into Manors whereby these Indians will be taken under my immediate Protection.

It is the Advice of this Board that the Attorney Generals Opinion be had in Relation to the said Article.

You are hereby Impowered to lett the County Courts upon Leases the Ferrys over the Rivers in the several Counties within our said Province which would Contribute to the Ease of the Inhabitants the said County Courts Paying such fines and annual Rents in Sterling Money to me for the same as shall be Settled by our Lieutenant Governor & Chancellor Our Judge of the Land Office Secretary in our said Province and your self and whoever shall presume to sett up Ferrys in opposition to such Leases are to be prosecuted for the same by our Attorney General of Our said Province, and Discountinanced by all the Magistrates.

It is the opinion of this Board that Application be made by the Agent to the County Courts as directed by the said Article and if the County Courts are inclinable to take the said Ferrys of the Agent that he then make the best Terms with them for his Lordships Interest he can.

At a Council held at the Governors on Friday the 11th Day of January in the third year of his Lordships Dominion Annoque Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable { Col Charles Hammond } Benedict Calvert Esq^r
{ Col Benjamin Tasker }

His Excellency is pleased to lay before this Board the following Letters

Whitehall August 28th 1753

Sir

His Majesty having received Information of the March of a Considerable Number of Indians not in Alliance with the

Lib. J. R. King, Supported by some regular European Troops, intend-
 & U. S. ing as it is apprehended to commit some Hostilities on parts
 of his Majestys Dominions in America I have the Kings
 Commands to Send you this Intelligence, and to direct you to
 use your utmost diligence, to learn how far the same may be
 well grounded and to put you upon your Guard that you may
 at all Events be in a condition to resist any hostile Attempts
 that may be made upon any parts of his Majestys Dominions
 within your Government and to direct you in the Kings
 Name, that in Case the Subjects of any Foreign Prince or
 State should presume to make any Incroachment, on the
 Limits of his Majestys Dominions or to erect Forts on his
 Majestys Lands or commit any other Act of Hostility, you
 are immediately to represent the Injustice of such proceed-
 ing and to require them forthwith to desist from any such
 unlawful undertaking; But if, notwithstanding your Requisition
 they should still persist, you are then to draw forth the
 Armed Force of the Province and to use your best Endeavours,
 to repel Force by Force But as it is his Majestys
 Determination not to be the Aggressor, I have the Kings
 Commands most Strictly to enjoin you not to make use of the
 Armed Force under your direction excepting within the
 undoubted Limits of his Majestys Dominions

And whereas it may be greatly conducive to his Majestys
 Service that all his Provinces in America should be aiding
 and assisting each other in Case of any Invasion, I have it
 particularly in Charge from his Majesty to acquaint you
 That it is his Royal Will and pleasure that you should keep
 up an Exact Correspondence with all his Majestys Governors
 on the Continent, and in case you shall be informed by any of
 them, of any Hostile Attempts you are immediately to As-
 semble the General Assembly within your Government and
 lay before them the necessity of a mutual Assistance and
 engage them to grant such Supplies as the Exigency of Af-
 fairs may require. I have wrote by this Conveyance to all his
 Majestys Governors to the same Purpose I am S^r

Your Most Obedient humble Servant
 Holdernesse.

Extract of a Letter from the Lords Commissioners for
 Trade and Plantations dated the 18th September 1753.

As we find it has been usual upon former occasions when
 an Interview has been held with the Indians for the Neigh-
 bouring Governm^{ts} in Alliance with them to send Commis-
 sioners to be Join'd with those of New York, and as the pres-
 ent wavering disposition of the Indians equally Affects the

other Provinces We have wrote to the Governors of Virginia, Pensilvania Maryland New Hampshire Massachusetts Bay and New Jersey desiring them to represent to their Respective Assemblies the Utility and Necessity of this Measure and to Urge them to make Proper Provision for it and therefore it will be necessary that when you have Settled the time and Place of Meeting you should give them Early Notice of it and this Leads to recommend one thing more to your Attention and that is to take care that all the Provinces be (if practicable) comprized in one General Treaty to be made in his Majestys Name it appearing to us that the Practice of each Province making a Separate Treaty for its self in its own Name is very improper and may be attended great Inconvenience to his Majestys Service

Lib. J. R.
& U. S.
p. 21

New York 11th December 1753

Sir

On Friday last I received the Inclosed Letter (with others to the Governors of Virginia Pensilvania New Jerseys New Hampshire and the Massachusetts Bay) from the Lords Commissioners for Trade & the Plantations to be forwarded as Addressed, and as they are referred to in their Lordships Letter to me I inclose you an Extract of it in pursuance of which I proposed an interview with the Indians at Albany on the 13th or 14th day of next June, The Assembly here this day Resolved that they will make Provision for the presents usually given on such Occasions and for the Expence of my Voyage, so that I intend to meet the Indians at the time and place abovementioned, the Assembly have also Resolved (upon my laying before them the Letter from the Earle of Holdernesse one of his Majestys principal Secretarys of State) that they will make a Suitable Provision for assisting any of the Neighbouring Colonies to Repell force by force in case they be invaded in an Hostile Manner by any Armed Force whatsoever, I Send you the Extract of a Letter from the Commanding Officer of Oswego by which it appears if the information be true that the designs of the French on the Ohio have proved abortive. I am S^r

Your Most Obedient & most humble Servant

James De Leney

The Honourable Horatio Sharpe
Governor of Maryland

Boston November 26th 1753.

Sir

I received by the last post a Letter from the Earle of Holdernesse dated 28 August past (a Circular one as it ap-

Lib. J. R. pears to be to all his Majestys Governments in North Amer-
 & U. S. ica) acquainting me that his Majesty had received Informa-
 tion of the March of a Considerable Number of Indians not
 in Alliance with him Supported by some regular European
 Troops intending as it is apprehended to commit some Hos-
 tilities on parts of his Majestys Dominions in America, and
 directing me to use my utmost diligence to learn how far the
 same may be well grounded Acquainting me also that his
 p. 22 Lordship had it particularly in Charge to let me know that
 it was his Majestys Royal will & Pleasure, that I should keep
 up an exact Correspondence with all his Majestys Governors
 on the Continent and in Case I should be informed by any of
 them of any Hostile Attempts, that I should immediately
 Assemble the General Assembly within my Government and
 lay before them the necessity of a mutual Assistance and
 engage them to grant such Supplies as the Exigency of
 Affairs may require

In obedience to these Instructions I trouble you with this
 Letter to let you know that in case any Hostile Attempts shall
 be comitted upon his Majestys Territories within the Limits
 of your Honours Government, for repelling of which that
 may Stand in need of the Assistance of his Majestys other
 Colonies upon the Continent, I shall be ready upon my being
 informed of it by your honour to do my duty within my own
 Government for procuring their due Proportion of Supplies
 upon the Emergency; and for this Purpose I shall be very
 glad to maintain a Strict Correspondence with your honour,
 pursuant to his Majestys Commands Signified to me in the
 Earl of Holdernesses before mentioned Letter. I am with
 great Esteem S^r

Your honours most humble & most Obedient Serv^t
 W Shirly

Honourable Horatio Sharpe Esq^r

Ordered that the present General Assembly of this Prov-
 ince which stands Prorogued to the Day of next
 be further Prorogued to the first day of May next, and Proc-
 lamations issued accordingly.

At a Council held at the Governors on Wednesday the 13th
 day of February in the third year of His Lordships Dominion
 Annoque Domini 1745.

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r } Col Benjamin Tasker
 Honourable { Col Charles Hammond } Benedict Calvert Esq^r

His Excellency is pleased to lay before this Board the following Letter Lib. J. R.
& U. S.

Williamsburgh Virg^a Jan^{ry} 29th 1754

Sir

Your kind Assurance of Co operating with me in the Common Cause for his Majestys Service gave me so much pleasure as a Zeal like that which inspired them ought to give and I now Address your Excellency the more chearfully as I am persuaded of your Promptitude to contribute effectively to it The Progress of the French and their avowed designs make it necessary for me to Apply for your Assistance and that the men you can furnish may join our People as early as Possible in March, at a place called Wills Creek on the head of Potowmack which I have Chosen for the Rendezvous, believing it to be the most Convenient to all the Colonies of any that is near the Scene of Action. The French have fortified themselves on Lake Erie and on a Branch of the Ohio & have 220 Canoes ready made and a great many more blocked out, and every thing in readiness to execute their designs of falling down the River when the Waters Serve in the Spring, and building Forts at every Place of Consequence, The Fort my Messenger was at mounted eight Pieces of Cannon Six pounders and was garrisoned with 150 Men and they have already engaged the Chippoways, Attoways and Oreendacks to take up the Hatchet against the English, and themselves have Seized the Effects of his Majestys Subjects who were Settled there & made Prisoners of their Persons, How they Justify this Conduct your Excellency will See by the Inclosed Letter from their Commandant to me. p. 23

I think it would very much conduce to the Success of the Service that the command should be undivided and therefore I should be very glad of your concurrence with my Sentiments and that the men you furnish might be put under the command of my General Officer I expect to meet our Assembly the 14th of next Month when I hope to be enabled to enter on more Vigorous Measures; at Present I have Ordered out a Detachment from the Militia to cover the works that are carrying on at our Fort on the Ohio and shall with all dispatch furnish them with the Stores and Other necessities for its Completion But as the French intend to be upon the Ohio early in the Spring with a Greater Force than they had in the fall which then consisted of 1500 Men it will be of the last Consequence to have a Sufficient Strength there early to oppose them and the present Temper of the Indians increases the necessity as they seem to defer coming to Action till they See us at their Backs to Support 'em and I am

Lib. J. R. perswaded that they then will Act honestly and effectually,
& U. S. otherwise it is apparent to me that they will be lost to the
British Interest as their Situation & the Genius of that
People will lead them to Join with the Strongest Side

Sir

Since writing the above I received yours of the 26th Decem-
ber and am mighty glad of the Hopes you have that your
Assembly will enable you to raise men for the Support of his
Majestys undoubted right to the Lands on the Ohio and at
the same Time to Protect these Colonies from the Insolence
of those that want to disturb our peace. An Answer to this
by the bearer will greatly Oblige

Your Excell^y Most Obed^t Hum^{ble} Serv^t
Rob^t Dinwiddie

On Reading the above Letter it is Ordered that the present
General Assembly of this Province appointed to be held on
p. 24 the first day of May next do meet and be held at the City of
Annapolis the 25th day of this Instant and Proclamations
issued in the following manner

Maryland ss^t

By his Excellency Horatio Sharpe Esq^r Governor & Com-
mander in Chief in and Over the Province of Maryland

A Proclamation

Hor^o Sharpe Whereas the present General Assembly of this Province
Stands prorogued to the first day of May next, And whereas
his Majestys Service notified to me by the Honourable Rob-
ert Dinwiddie Esq^r Governor of the Colony of Virginia re-
quires their meeting before that time I have therefore
thought fit with the advice of his Lordships Council of State
by this my Proclamation to publish and declare that the
present General Assembly of this Province do meet and be
held at the City of Annapolis on Wednesday the 25th day of
this Instant February and to the End that all Persons con-
cerned may have due Notice thereof I do hereby Strictly
charge and require the Several Sheriffs of this Province to
make this my Proclamation publick in their Respective Coun-
ties in the usual manner as they will Answer the Contrary at
their Peril Given at the City of Annapolis this 13th day of
February in the third year of his Lordships Dominion An-
noque Domini 1754

J. Ross Cl Conl.

At a Council held in the Council Chamber the 6th day of March in the third year of his Lordships Dominion Annoque Domini 1754 Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable	{	Benjamin Tasker Esq ^r	} Col Benjamin Tasker	
		Col George Plater		Richard Lee Esq ^r
		Col Edward Lloyd		Benedict Calvert Esq ^r

His Excellency having been pleased to lay before this Board an Instruction from his Lordship relating to Ordinary Licenses, and the Bill now before us as an Upper house Entitled an Act for his Majestys Service raising £500 upon the Continuance of the Ordinary License Law as a present to the Indians and other Services mentioned in the said Act continuing the said fund for Ordinary Licenses untill the Money raised by the said Act be paid off, We being desirous that a present may be made to the Indians in Amity with the English the Ordinary License Law being already appropriated to uses mentioned in the said Bill and that the Sum to be now raised by this Bill will be paid off in Little more than a year, It is the humble Advice of this Board to his Excellency that he pass the said Law

At a Council at the Governors on Monday the 22^d day of April in the third year of his Lordships Dominion Annoque Domini 1754. p. 25

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable	{	Benjamin Tasker Esq ^r	} Col Benjamin Tasker
		Col Charles Hammond	

Ordered that the present General Assembly of this Province which Stands Prorogued to the first day of May next be further prorogued to the Eighth day of May next and Proclamations issued accordingly.

His Excellency is pleased to lay before this Board the following Petition

To his Excellency Horatio Sharpe Esq^r Governor & Commander in Chief in and Over the Province of Maryland

The humble Petition of the Choptank or Locust Neck Indians Most humbly Sheweth

That whereas we the said Indians being Intitled to & Possest of a Parcell of Land lying on Choptank River in Dorchester County by Virtue of a Treaty Substituting &c. and afterwards Confirmed by Act of Assembly of this Province to us and our Indians so Long as we or any of our

Lib. J. R. Indians shall Peaceably and Quietly Occupy Possess and
& U. S. dwell on the same without being Lett hindered disturbed or
Incroacht upon by any Person or Persons whatsoever

Your Humble Petitioners most humbly Sheweth that Continual frauds Trespasses and incroachments have been and are yet Committed on Our Land by Cutting Carrying off and Selling large Quantities of Timber of our Lands Others who have got in possession of our Lands refuse to give up the same or pay the yearly Rents thereof Continually disturbing those Peaceable People who Live on our Lands and of whom we Receive the yearly Rents thereof

We therefore humbly beg that your Excellency would by some Proper means redress our Injuries, And Your humble Petitioners as in Duty bound shall Ever Pray April 9th 1754.

James Coponk his
 Hopping Γ Sam
 mark

William Coponk his
 Abram Δ Bishop
 mark

 his
Thomas T Bishop
 mark

Ordered that Col Henry Hooper Major John Eccleston & Doct^r William Murray of Dorchester County and William Thomas of Talbot County Gentlemen or any three or two of them enquire into the said Complaints and also that they enquire into the Grounds of any other Complaints made by the said Indians and that they send for such Persons as shall be named to them on behalf of the said Indians and also on behalf of the Persons accused & that they Examine them on Oath & having Reduced into writing the said Examination so taken by them they make Report thereof to this Board with all convenient Speed.

p. 26 At a Council held at the Governors on Wednesday the 24th Day of April in the fourth year of his Lordships Dominion Annoque Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor
The { Benjamin Tasker Esq^r } Col Benjamin Tasker
Honourable { Col George Plater }
 { Col Charles Hammond } Benedict Calvert Esq^r

His Excellency the Governor having communicated to this Board a Report made to him by the Justices of Assize of their

having passed Sentence of Death in S^t Marys County on Mulatto James the Slave of Joshua Millard for a Rape committed on the Body of Mary Hambleton and also for the wilful Murder of the said Hambleton. Lib. J. R.
& U. S.

Ordered that Dead Warrant issue for the said Mulatto James to be hung in Chains on Friday the third Day of May next upon the publick Road as near as conveniently can be to the Place where the fact was committed.

Ordered that the Judge of the Land Office Cause Copies of all Surveys of Counties Grants of Manors and of Lands by the first and Second Proprietor of Maryland lying in or on the Borders of all the disputed parts of this Province

At a Council held in the Council Chamber on Monday the 13 day of May in the fourth year of his Lordships Dominion Annoque Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Hon ^{ble}	{	Benjamin Tasker Esq ^r	}	Col Benjamin Tasker
		Col George Plater		Richard Lee Esq ^r
		Col Charles Hammond		Benedict Calvert Esq ^r
		Samuel Chamberlain Esq ^r		

His Excellency is pleased to lay before this Board the following Deposition

Mr John Wills Serjeant in the Virginia Regiment being Sworn on the holy Evangelist deposeth that he had Listed two men named William Bullock and William Tub at the House of William Harris near the Cool Spring in Maryland, that the said William Harris Robert Harris and others first diswaded the Recruits from going with the said Officer, and afterwards Seized him by the Throat, and took his Cutlass from him to oblige him to discharge them which he did being overpowered, and received back the enlisting Money, That Gerrard Jordon drank the Pretenders Health damned him that would not pledge him, and hazzard for the Tartan Plad & White Cockade that he also Sung Several disloyal Songs and was joined by Joseph Broadway and others that they damn'd King Georges Soldiers and said that they had no business to fight for him for that they were my Lords Men and had their Lands from him, that then he the said Serjeant Seized his Halbert and made a pass at Jordon, by which means he cleared the house of the Rioters Locked the doors & Placed some other Recruits as Sentinals, and that he was obliged to keep in the house from about one o Clock in the

Lib. J. R. Afternoon till the Evening when some Gentlemen coming by
& U. S. reprimanded the Mob who had all that Time beset the house
with Clubs and Stones.

John Harwood and William Swallow being Sworn Confirm the Deposition of Serjeant Wills and they add that the said Gerrard Jordon cursed King George and his Soldiers

Sworn before me 30 th April	John Wills
John Colvill	John Harwood
	his
	William O Swallow
	mark

Which Deposition being Read it is the humble Advice of this Board to his Excellency that a Provincial Magistrate be directed to send a Warrant for William Harris, Robert Harris, Gerrard Jordon and Joseph Brodway all of S^t Marys County and a Duplicate to the Sheriff of Charles County to appear before some Provincial Magistrate who shall Cause the said William Harris Robert Harris Gerrard Jordon & Joseph Broadway, who shall cause the said Persons to find Sufficient Sureties for their Appearance at the next Provincial Court to answer such things as shall be then and there objected against them

His Excellency having communicated to this Board a Report made to him by the Justices of Assize of their having passed Sentence of Death in Charles County on Samuel Knowler alias Nollar and Yellow Dick (the Slave of William Dent) for Store braking and Stealing Sundry Goods and also against James Macdowell alias John Nicholson for the same offence and likewise against Edward Butler for Robbing Trinity Parish Church

Ordered that Dead Warrant issue for the aforesaid Samuel Knowler alias Samuel Nollar and Yellow Dick to be hung on Friday the Twenty fourth day of this Instant May at the common Place of Execution and that Pardons issue for the said James Macdowell Alias John Nicholson and Edward Butler.

p. 28 At a Council held in the Council Chamber on Tuesday the 28th day of May in the third year of his Lordships Dominion Annoque Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Hon- ourable	{	Benjamin Tasker Esq ^r	}	Samuel Chamberlain Esq ^r
		Col George Plater		Richard Lee Esq ^r
		Col Charles Hammond		Benedict Calvert Esq ^r

His Excellency is pleased to lay before this Board the following Representation.

To his Excellency Horatio Sharpe Esq^r Governor of Maryland Lib. J. R.
& U. S.

May It please Your Excellency

We the Subscribers are of Opinion that Samuel Nollar and Mullatto Dick who are convicted of Felony at the last assises in this County of Charles are Objects of Mercy and Compassion and as such we beg Leave to recommend them to your Excellency in regard they are both very Young and that this is the first offence that either of them to Our knowledge has been arraigned for.

(Signed by Sundry Gentlemen)

Upon Reading the foregoing Representation It is the Advice of this Board that his Excellency be pleased to Order his Lordships Pardon to issue to the said Samuel Nollar and Mullatto Dick, and Pardon issued accordingly

Ordered by his Excellency the Governor that the following Proclamation issue.

By his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in & Over the Province of Maryland

A Proclamation

Whereas I have received Information by the Deposition of John Wills a Serjeant in the Virginia Regiment and others that a Certain Gerard Jorden jun^r of S^t Marys County hath been guilty of obstructing the raising his Majestys Levies, drinking the Pretenders health, and Several other disloyal and illegal Pratices: and that a certain Joseph Broadway of the said County hath been aiding and assisting to the said Gerard Jordan therein; I have therefore thought fit with the Advice of his Lordships Council of State to issue this my Proclamation hereby promising a Reward to any of his Majestys Subjects within this Province (officers excepted) of the Sum of Twenty pounds Current Money for apprehending and bringing to Justice the said Gerard Jordon, and also a Reward of the Sum of Ten pounds like Money for apprehending and bringing to Justice the said Joseph Broadway: and I do hereby Strictly charge and require all his Lordships Officers Civil and Military within this Province to be aiding and assisting in the apprehending the said Gerard Jordon jun^r and Joseph Broadway so that they may be brought to Justice for the same Given at the City of Annapolis this 30th day of May in the 4th year of his Lordships Dominion Annoque Domini 1754. p. 29

Lib. J. R. At a Council held at the Governors on Monday the 24th
& U. S. day of June in the fourth year of his Lordships Dominion
Annoque Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r }
Honourable { Col Charles Hammond } Benedict Calvert Esq^r

His Excellency the Governor having communicated to this Board a Report made to him by the Justices of Ann Arundel County Court of their having passed Sentence of Death against Negro Cesar the Slave of Walter Dulany and Tom the Slave of Margaret Gaither for assaulting Duncan Robertson and Mary Suttor on the third of June Instant in the Night of the same Day and Violently and feloniously taking and Carrying away from the Persons of the said Robertson and Suttor Sundry Effects belonging to them and putting them in fear and Dread.

Ordered that Death Warrants issue for the aforesaid Negroes Cesar and Tom, to be hung on Wednesday the third day of July next at the Common Place of Execution.

His Excellency is pleased to lay before this Board the following Petition

To his Excellency Horatio Sharpe Governor of Maryland.

The Humble Petition of William Keene of Baltimore County Sheweth

That in the Month of January in the year of Our Lord Seventeen hundred and Twenty four Thomas Larkins of Ann Arundel County obtained his Lordships Grant for a Tract of Land containing two thousand five hundred acres called Solitude which is Situate in York County in Pensilvania within about Six Miles of the Temporary Line that the said Thomas Larkins Sold and Conveyed Twelve hundred and fifty acres part of the said Tract of Land to Christian Guest of Ann Arundel County who by his last will and Testament devised the Same to his Widow and his Son Samuel Guest equally to be divided between them That a Partition some time in the year Seventeen hundred and forty Seven was had between the said Samuel Guest and Sarah Gassaway Devisee of Thomas Gassaway who purchased the same under a Conveyance made by the af^d Widow of Christian Guest that your Petitioner hath Intermarried with the said Sarah who is Still living and in Virtue whereof and the Partition so as af^d made became intituled to five hundred and eighty three

acres in Severalty under Certain Metes and Bounds and Your Petitioner further humbly Sheweth that the aforesaid Thomas Gassaway had leased the said Parcell of Land to one Augustus Brown who in Virtue of the said Lease possessed the same, that one Hugh Ross agreeing with the said Thomas for the purchase thereof he the said Thomas removed the said Augustus Brown and gave Possession of the said Premises to the said Hugh Ross and the said Hugh Continued under the aforesaid Act of Thomas Gassaway untill your Petitioner became intituled to the Premises as af^d and the said Hugh not having paid one farthing of the Money he was to have paid upon the agreement af^d your Petitioner let him know that he expected that he would deliver up possession or make a purchase thereof Whereupon the said Hugh agreed again with your Petitioner for the Purchase of the said Land but he not complying with the Agreement, and your Petitioner apprehending from his Evasive Conduct that he intended to Trifle with your Petitioner your Petitioner gave publick Notice that he would Sell the Land to the highest bidder and in order to Defeat your Petitioners said Purpose & to deprive him of any use of the Premises the said Hugh Ross sometime this Spring Applied for a Warrant and has Actually taken up the said Land under the Government of Pensilvania and in Virtue thereof Claims it as his Right and your Petitioner further Sheweth that your Petitioner has demanded Possession of the said Hugh Ross and threatened to Sue him for detaining the same but your Petitioner has been deterred from so doing by the said Hugh his threatning that he would Treat your Petitioner as Dudley Digges was treated and your Petitioner being apprehensive that some Violence wou'd be offered to any Person who should Attempt to Arrest the said Hugh Ross or to your Petitioner if he should Attempt to regain Possession of the said Land by an Entry, Has therefore thought it his duty humbly to Represent his Case to your Excellency and to Supplicate your Protection, and Hopes your Excellency will take the Premises into your Consideration and give your Petitioner such Relief therein as may be meet and Suitable to the Nature of his Case

Lib. J. R.
& U. S.
p. 30

And your Petitioner pray &c William Keene

The foregoing Petition being Read Ordered that the Petitioner make Affidavit before some Provincial Magistrate of the facts contained in the said Petition being True, and that he Return the said Affidavit to the Clerk of this Board who is hereby Ordered upon Return thereof to desire the said Provincial Magistrate to issue his Warrant for apprehending

Lib. J. R. the said Hugh Ross and causing him to give Sufficient Sure-
& U. S. ties Residents in this Province for his appearance at the
Provincial Court to Answer to what may be Objected against
him; And It is recommended to the said William Keene to
bring an Ejectment in the Provincial Court against Hugh
Ross for the Recovery of his Right to the said Land

Read the Petition of Several Insolvent Debtors in Queen
Anns County Goal which is as follows

To his Excellency Horatio Sharpe Esq^r Governor of Mary-
land

p. 31 The humble Petition of Several Debtors now confined in
Queen Anns County Goal Humbly Sheweth

That your Petitioners has been here confined this long time
and it is not our Confinement alone that is so bad, but the ill
usage that we meet with for we are almost Starved by the
Cruelty of the Goaler, for we have a man now a dying by
means of Some Victuals that was not fit for a Dog to Eat,
for as to Meat we never have a bit but once in Six days and
then what they bring Stinks the Rest of our Living is Mush
& Beer and Bread and Sometimes Stinking Fish or any
Stinking Pork or Beef that he can buy from on Board Ship

Your Petitioners therefore most humbly Begs that you
will Rectify and Cause us some other living or Else your
Poor languishing Petitioners must Actually Starve

And your Petitioners as in Duty bound shall ever pray
(Signed by the Petitioners)

Ordered that a Copy of the said Petition be Sent to the
Sheriff of Queen Anns County and It is likewise Ordered
that he return an Answer with all convenient speed.

Ordered upon the Complaint of Indian against M^r
Pye of Charles County that the said Pye threatens to turn the
Indian off his Land, that the said Indian and M^r Pye attend
this Board on Thursday the 18th Day of July next.

At a Council held at the City of Annapolis on Wednesday
the third Day of July in the fourth year of his Lordships
Dominion Annoq Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble Benjamin Tasker Esq^r Col Hammond Benedict
Calvert Esq^r

Ordered that the Clerk of this Board write to the several Sheriffs of this Province directing them to acquaint the Members of Both Houses of Assembly that they are to meet at the Day they are prorogued to. Lib. J. R.
& U. S.

Ordered that the Clerk of this Board write to the Magistrates of the several County Courts to return to this Board the Names of All Persons keeping Publick or Private Schools in their said Counties distinguishing Roman Catholics, (if any such there be) therein, and which of them have or have not taken the Oaths to the Government

At a Council held at the City of Annapolis on Friday 19th day of July in the fourth year of his Lordships Dominion Annoq Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor

Upon hearing the Complaint of Indian against M^r Pye which Complaint appears to this Board to be groundless M^r Pyes Grant from the Lord Proprietary being older than the Reserve made for the Indians, It is Ordered that the said Indian pay as an Acknowledgment for the Land he now lives on to the said Pye One Barrel of Corn yearly, and for any other Land the said Indian shall hereafter lease from the said M^r Pye such Terms as They can agree on, the said Pye and Indian being present consenting thereto p. 32

His Excellency is pleased to lay before this Board the following Letter

May it please your Excellency

I received a Letter from M^r Ross dated June 25th inclosing a Copy of a Petition from the Debtors in Queen Anns County Goal whereby it appears they complain to your Excellency of undergoing great hardships by Ill usage from the Jailor with respect to their Diet which Complaint is without any Just Ground, But as I apprehend my Character to be concerned I hope your Excellency will be pleased to Order the Magistrates of this County to Examine into the Matter and make report of the Condition the Prisoners appear to be in and the Quantity and Quality of their daily Provisions and I doubt not but upon such Examination it will be found they have Justice done them in all respects and that the Trouble given your Excellency in the present Case is entirely owing to the Turbulency of some of the Prisoners who Spirited up the others I am

Your Excellencys Most Obedient Humble Servant
F. Harris

Queen Anns County July 5th 1754.

Lib. J. R. At a Council held at the City of Annapolis on Thursday
& U. S. the 24th Day of July in the fourth year of his Lordships
Dominion Annoq Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble	{	Benjamin Tasker Esq ^r	}	Philip Thomas Esq ^r
		Col George Plater		Col Edward Lloyd
		Col Charles Hammond		Richard Lee Esq ^r
		Samuel Chamberlain Esq ^r		Benedict Calvert Esq ^r

His Excellency is pleased to lay before this Board an Instruction from his Lordship relating to Ordinary Licenses and desires their Opinion Whether It is adviseable for him to depart from the said Instruction, and pass the Bill now lying in the Upper House for his Majestys Service whereby the Fines for Ordinary Licenses are appropriated for the Uses mentioned in the said Act, Who are all of Opinion, except Col Lloyd, that considering the Circumstance of Affairs and the present Emergency They would advise him to pass the said Bill into a Law.

p. 33 At a Council held at the City of Annapolis on Saturday the
3^d of August in the fourth year of his Ldps Dominion Annoq
Domini 1754.

Present

The honourable	{	Benjamin Tasker Esq ^r	}	Col Lloyd
		Philip Thomas Esq ^r		Benedict Calvert Esq ^r

M^r Emorys Plan being laid before this Board by his Excellency whereby It appears that he began at a Red Oak about Two Miles Eastward of the Main Branch of Elk River said to be marked as the terminating Tree to a twelve Miles West Radius from Newcastle run by one M^r George Daker in 1732 hence He proceeded according to Order so far Southward as Choptank Bridge, and from such actual Survey has discovered (as is delineated on his Map) that a due North and South Line begun from the aforesaid Tree does intersect, first, two Small Branches of Christine Creek, then leaving the Principal Branch of Elk River considerably to the Westward, It cuts, at about forty Perches below their Mill Dams, where a Canoe in a high Tide will pass, three Small Streams called Evans, Broad and Back Creeks, which flow into that River; the said Line afterwards intersects two Small Branches of Bohemia just above the Landing beyond which a Canoe will in a high Tide go about a Quarter of a Mile: Sassafras River is left entirely to the Westward of this Line,

but it crosses Chester far above Chester Bridge, where the Run of Water is very inconsiderable: As Choptank River terminates in a Swamp soon after one passes above Its Bridge, this Line does not at all affect the Navigation of that River, neither doth it approach near to the Navigable Water in the North West fork of Nanticoke, but the North East fork of that River where it is intersected by the Parallel of Latitude ran from Indian River is found to be Six Perches Wide and Six feet deep, so that a large Sea sloop will load within two Miles South of said Parallel, and that Branch is Navigable for Small Craft two Miles farther North than the Place where the said Parallel intersects it—the better to enable us to advise what Line or Lines may be proper for his Lordship to agree on as Divisional Lines between his Lordships Lands and those which the Proprietors of Pensilvania claim on the Peninsula East of Chesopeak Bay.

Lib. J. R.
& U S.

Were we satisfied that this Tree from which M^r Emory began to run his Courses did really and certainly terminate a horizontal twelve Miles Radius centering at Newcastle we should be sufficiently able to Specify Some Place in that Radius or the extremity of it as a proper Point to Run a Divisional Line Southward so as to Secure by such Division all the Rivers and Streams flowing into Chesopeak Bay; but as such Certainty with Respect to the Newcastle Radius and said Tree, as is requisite, cannot be acquired, unless the Pensilvanians would permit us to make an Actual Survey and Mensuration of the Distance from such Red Oak or from Elk River to Newcastle which their former Behaviour and Threats to our Surveyors forbid Us to expect or hope.

Suppose a due East and West Line be run as in the Map across the Peninsula from Indian River, and from a Point of such Line Two Furlongs (or more as can be agreed) Eastward of the North East Fork of Nanticoke River where It is intersected by the said East and West Line, Let a Line be run north or North two Degrees West at farthest (variation allowed for) till it touches Newcastle Circle, And we think if his Lordship suffers the Pensilvanians to run further to the westward He may be in Danger of losing the Heads of the Rivers. All which is submitted to his Lordships Consideration.

His Excellency is pleased to lay before this Board the following Return

Lib. J. R. At a Council held at the City of Annapolis Monday the 22^d
& U. S. Day of April in the 3^d year of his Lordships Dominion
Annoq Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor in Council
Read the following Petition

To His Excellency Horatio Sharpe Esq^r Governor & Com-
mander in Chief in and Over the Province of Maryland

The humble Petition of the Choptank & Locust Neck In-
dians Most humbly Sheweth

That Whereas we the said Indians being Intitled to and
Possesst of a Parcell of Land lying on Choptank River in
Dorchester County by Virtue of a Treaty Subsisting &c. and
afterwards confirmed by Act of Assembly of this Province
to us and our Indians so long as we or any of our Indians
shall Peaceably and Quietly Occupy Possess and dwell on the
same without being Lett hindered disturbed or Incroached
upon by any Person or Persons whatsoever

Your humble Petitioners most humbly sheweth that con-
tinual frauds Trespasses and Incroachments have been and
are yet Committed on our Land by Cutting bearing off and
Selling Large Quantitys of Timber of our Lands. Others who
have got in Possession of our Lands Refused to give up the
same or pay the yearly Rents thereof continually disturbing
those Peaceable People who live on our Land and of whom
we received the yearly Rents thereof. We therefore Most
humbly Beg that your Excellency would by some proper
Means Redress our Injuries and your humble petitioners as
in duty bound shall ever pray. April 9th 1754.

his	his	his
Hopping — Sam	Abraham Δ Bishop	Thomas T Bishop
marke	mark	mark
James Chonk	William Chonk	William Ashquish

Ordered that Col Henry Hooper Major John Eccleston
and Doctor William Murray of Dorchester County and Will-
iam Thomas of Talbot County Gent, or any three or two of
them enquire into the said Complaints and also that they
inquire into the Grounds of any other Complaints made by
the said Indians, and that they send for such Persons as shall
be named to them on behalf of the said Indians and also on
behalf of the Persons accused and that they examine them on
Oath, And having reduced into Writing the said Examina-
tions so taken by them, They make Report thereof to this
Board with all convenient speed.

Dorchester County ss^t

Lib. J. R.
& U. S.

At a meeting of the Commissioners appointed by the Governor in Council to examine Evedinces concerning Trespasses. Supposed to be Committed on the Indians Lands &c. at the Town of Cambridge the 12th day of June Anno Domini 1754. p. 35

Present

Col Henry Hooper } Doc^r William Murray } Commissioners
Maj^r John Eccleston } M^r William Thomas }

Jam^s Auld Clk.

The Commissioners at the request of the Indians took the Deposition of Edward Price in the presence of all persons concerned which is hereunto annexed.

At the Cabbin of James Cohonk in the Indian Town at Locust Neck June 21st 1754.

Present

Col Hooper }
Major Eccleston } Commissioners
Doctor Murray }

Jam^s Auld Clk.

The Indians produce an Account against a Certain Thomas Owings for Rent of their Plantation whereon he Dwells as by the same account & Lease hereunto annexed will appear,

Whereupon the said Thomas Owings being called produced his Account in Bar which is also hereunto annexed, in which the Indians object to the following Articles Viz^t The General Article in his Account of five pounds, and say they received no more than two Matchcoats at 18/ each which is

£1: 16: 0

Two pound Powder and four pound Shot 0: 7: 0

And to the other part of his Account they Say they have received no more than one Yard of Ronoke Peak, instead of the 9½ y^{ds} ment^d in his Account which comes to 0: 4: 3

The 60 Gallons Cyder charged in the said Account at 9^d they alledge they were to have at 6^d p Gallon which comes to 0: 15: 0

£3: 2: 3

The Indian Chiefs produce an Account against a certain Thomas Hunt for the Rent of their Plantation whereon he now Dwells which is also hereunto annexed, but the said Hunt altho legal notice being given did not appear

At the prayer of Philemon Lecompte the Deposition of Thomas Owings was taken and hereunto annexed.

Lib. J. R.
& U. S.

Cambridge the 25 June 1754

Present

Col Hooper	}	Commissioners
Major Eccleston		
Doctor Murray		

Jam^s Auld Clk

At the request of the Indian Chiefs Summons issued and directed to the Sheriff of Dorchester County for Edward Newton William Newton and Isaac Addams to appear at the Cabbin of James Chonk in the Indian Town at Locust Neck on Saturday the 13th day of July next to Testify on behalf of the Indians &c.

At the Cabbin of James Chonk in the Indian Town at Locust Neck July 13th 1754

Present

Col Hooper	}	Commissioners
Major Eccleston		
Doctor Murray		

Jam^s Auld Clk

p. 36 The Sheriff according to Summons to him directed together with Notice in writing to Philemon Lecompte to be present at the day and place af^d makes the following return viz^t

Isaac Addams Edward Newton and William Newton Sum^d So answers Dan^l Sullivane Sheriff

To the honb^{le} the Commissioners within mentioned I hereby Certifie that I gave Philemon Lecompte Notice to appear before the Commissioners within mentioned at the day and place within mentioned &c. So answers

Dan^l Sullivane Shff.

The Commissioners at the request of the Indian Chiefs take the Depositions of Edward Newton William Newton and Isaac Addams which said Depositions are hereunto annexed.

In pursuance of an Order made by his Excellency Horatio Sharpe Esq^r at a Council held at the City of Annapolis on Monday the 22^d day of April Anno Domini 1754 We have enquired into the Grounds of the Complaints made by the Choptank and Locust Neck Indians and have taken the Depositions hereunto annexed relating thereto

We beg leave to Inform your Excellency the said Indians Lib. J. R.
desire that Thomas Owings and Thomas Hunt may be Re- & U. S.
moved off their Lands on the finishing their respective Crops
all which is Submitted to your Excellency

In Testimony whereof we have hereunto set our hands &
Seals this 13th day of July Anno Domini 1754.

Test Jam^s Auld C^lk.

Henry Hooper ○

J: Eccleston ○

W^m Murray ○

Dorchester County ss^t

The Deposition of Edward Price of the County af^d aged
thirty Eight years or thereabouts being Sworn on the holy
Evangel of Almighty God Deposeth and Saith that he has
frequently Seen Philemon Lecompte and his People Cut and
make use of Timber off the Indians Lands for this Nine years
last past and Loaded Several Flatts with Staves made out of
the same Timber and that he really believes the said Lecompte
Sold of the said Timber when got into Staves and Boards to
the Value of fifty pounds Current Money p year And further
this Deponent Saith not

his
Edward E Price
mark

12th June 1754 Sworn before

Henry Hooper, J. Eccleston, W^m Murray

1754 Thomas Owens.

D^r

To the Rent of Our Plantation whereon you now
dwell from the first day of January 1748 to the
first day of January last which is five years at } 25: 0:0
£5 p year

his
June 21st 1754 Errors Excepted p Hopping Δ Sam
mark

Thomas Hunt

D^r

To the Rent of our Plantation whereon you now
dwell from January 1749 to January last which } 4: 0:0
is 4 years at 20 p year

his
June 21st 1754 Errors Excepted p Hopping λ Sam
mark

C^r

By 1 pair of Oyster Tongs

0: 5:0

By 3 Pecks Indian Corn

0: 1:6

Lib. J. R.
& U. S.

1749 Indian Sam

D^r

To Sundry payments made Amounting to the Sum of 5: 0:0

1752

To 1 Gallon Brandy a 0: 6:0

To 1 Muskitt Sold at 2: 15:0

To Credit with M^r Nicholls for 2: 8:0

To a Gun Sold at 1: 15:0

p. 37 To 4 Gallons Sider at 6^d p 0: 2:0To 8 D^o at 9^d p 0: 6:0

To Cash paid David Harper 0: 2:6

To D^o paid Abraham 0: 9:0To 2 Gallons Syder at 1^s p 0: 2:0To 60 Gallⁿ Sider at 9^d p 2: 5:0To 1 Gallⁿ Brandy a 0: 7:0To 7½ Bushels Corn at 2^s p 0: 15:0

To 1 pint Rum at 0: 1:0

To 1 Hogg 0: 10:0

To 3 pecks Flour at 0: 3:0

To 6 Qt^s Mollasses at 1/ p 0: 6:0To 2 Gallons Rum at 7^s p 0: 14:0To a Quantity Sider Supposed 10 Gallons at 6^d 0: 5:0To 6 Gallons Sider at 6^d p 0: 3:0

To 2 Pair Sizars at 1/ p 0: 2:0

To 9½ y^{ds} Ronoke at 6^d p 0: 4:9

To 2 Gallons Brandy for burying the Queen 0: 12:0

To 1 Mink a 0: 1:0

June 21st 1754 Errors Excepted p Tho^s Owens 19: 14:3Mem^d this Account not proved

We the Subscribers the Choptank or Locust Neck Indians hath Rented & farmed to Thomas Owens of Dorchester County all that Plantation with the appurtainences whereon Edward Price now lives for the Space of one whole year Commence from the first day of January next and for and in Consideration thereof the said Thomas is to pay the Sum of five pound Current Money or otherwise in such Commodities as we the said Indians shall think fit to take in Lieu of the same Money as beforemention'd And further We the said Indians do agree to and with the said Thomas Owens that he the said Thomas Owens shall have what Timber he hath occasion for the Plantation use during the said Term and further we the said Indians allow Our selves to be Sober not having drank more than one Dram before Signing said Lease and that We will Give said Price Notice with all Convenient Speed to provide him self with some other place as We have

Rented it to the said Owens in Witness We have hereunto Lib. J. R.
Set our hands this 9th day of September Anno Domini 1748. & U. S.

the Indians Marks

Hoping Sam his Mark	Nancy her mark	James Cohonk
Abram his Mark	Tom Bishop his Mark	Thomas Owens
John Quash his Mark	Mulbury his Mark	
Presillah her Mark	Jamme his Mark	
John Pike his Mark		
Sarah Bishop her Mark		

Testis Benjamin Hunt
Testis W^m Lecompte

Dorchester County ss^t

The Deposition of Thomas Owings Aged Twenty Eight years or thereabouts being Sworn on the holy Evangels of Almighty God Deposeth and Saith that he well knows that Philemon Lecompte nor his People has not Cut Timber on the Indians Lands (when got into Staves and Boards) to the Value of fifty pounds Current Money every year for this Nine years last past & further this Deponent Saith not

Tho^s Owens

21 June 1754 Sworn before

Henry Hooper, J. Eccleston, W^m Murray

Dorchester County ss^t

The Deposition of Isaac Adams of the County af^d Aged forty three years or thereabouts being Sworn on the holy Evangels of Almighty God Deposeth and Saith That he has Several times seen Philemon Lecomptes People with a Cart on the Indians Land in order to Cart Staves but that he never see any Staves in the Cart except once which he believes were got on the said Indians Lands and that he has Sundry times Seen large Quantities of Timber on the said Lands ready Cutt and Mauled for Staves (and that it was Currently reported) were Cut by the said Philemon Lecompte and his People and fur this Deponent Saith not.

Isaac Adams.

Taken and Sworn to the 13th day of July 1754

before Henry Hooper, James Eccleston, W^m Murray

Dorchester County ss^t

The Deposition of Edward Newton of the County af^d aged forty Eight years or thereabouts being Sworn on the holy Evangels of Almighty God Deposeth and Saith that he has seen Philemon Lecompte & his People at Divers times within this twenty years last past Cut large Quantities of Timber on

Lib. J. R. the Indians Lands and make Sale of the Same when got into
& U. S. Staves & Boards and further this Deponent Saith not

Edward Newton

Taken and Sworn to the 13th day of July 1754
before Henry Hooper, J Eccleston, W^m Murray

Dorchester County ss^t

The Deposition of William Newton of the County af^d aged thirty years or thereabouts being Sworn on the holy Evangels of Almighty God Deposeth and Saith that he has Seen Philemon Lecomptes man frequently Carting of Staves which he believes were got on the Indians Lands and that he has Seen at Several times large Quantities of Staves at one of the Landings in the Indian Town which he has been informed were drawn down by Philemon Lecompte and his People and further this Deponent Saith not.

W^m Newton

Taken and Sworn to the 13th day of July 1754
before Henry Hooper, J. Eccleston, W^m Murray.

His Excellency is pleased to lay before this Board A Report made to him by the Justices especially appointed for the Tryals of John Wright and Mulatto Toney for the Murder of Captain William Curtis whereby It appeared that they were found guilty and had Sentence of Death accordingly pronounced against them, Ordered that Dead Warrants be made out for their Execution, John Wright to be hung in Chains on Tuesday next, and Mulatto Toney to be hung in Chains on Wednesday next

At a Council held at the City of Annapolis Tuesday the 6th day of August in the fourth year of his Lordships Dominion Annoq Domini 1755

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble Benj^a Tasker Esq^r Benedict Calvert Esq^r

Ordered that the honourable Col Charles Hammond Treasurer of the Western Shoar send to M^r Silvanus Grove Merchant in London for Twenty half Barrels of Gunpowder a Black & Yellow Flagg 24 feet long and 16 feet broad with
p. 39 the Union in One Corner and a Barrel of Flints to contain about four thousand and that the same be charged to the Duty of Three pence p hh^d for Arms lodged in the said Groves hands.

At a Council held at the City of Annapolis on the 7th day of September Anno Domini 1754 & in the fourth year of his Lordships Dominion Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble Benjamin Tasker Esq^r Col Benjamin Tasker
Benedict Calvert Esq^r

Ordered that the following letter be sent to the several Magistrates of Frederick, Baltimore, Prince Georges, Charles & S^t Marys Counties.

Sir

Whereas Information has been given that many Persons who have been enlisted into his Majestys Service in the Virginia Regiment commanded by Col Washington have pretended that they were discharged from the said Regiment or had leave to be absent for Some time, but are actually deserted from the said Regiment; you are therefore hereby required to secure all Persons who shall be taken up and brought before you as such suspected Deserters not being able to give any good Account of themselves and give Notice thereof to his Excellency the Governor but if any Persons taking up the said Deserters are willing to carry them to their Quarters at Alexandria you may permit the same; A Reward being offered by Col Washington of one Pistole a man if taken within ten Miles of the said Place and two Pistoles if taken at a greater Distance

Signed p Order John Ross Cl Coun.

At a Council held at the City of Annapolis on Tuesday the Tenth Day of September in the fourth year of his Lordships Dominion Annoq Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble Benjamin Tasker Esq^r Col Benj^a Tasker
Bened^t Calvert Esq^r

His Excellency is pleased to lay before this Board the following Letter

Cecil County Septem^r 5th 1754.

May it Please your Excellency

We think it our duty to make known to your Excellency that the People in our Neighbourhood of late are very uneasy with Respect to the Jesuits and Roman Catholicks about us,

Lib. J. R. entertaining opinions that they now have in their Possessions
 & U. S. large Quantities of Arms &c We but the other day heard of
 p. 40 it, and not till after it had been the publick talk (no particular
 application having been made to us) since which we have as
 privately enquired as may be into the foundation of the most
 material of many Reports that are now publickly talk'd off,
 and the most we learn is That some time in April or begin-
 ning of May last two Vessels at different times went up a
 Small Branch of Boh^a River (very little frequented by Ves-
 sels) which leads to the Seat of the Jesuits in this County
 from whence they Shortly returned, and that enquiry being
 made of them by Several People about the Ferry no Satisfac-
 tory answer was obtained nor do they know of any kind of
 Business they had. That about the same time a very intelli-
 gent Negro Boy coming from the Priests Mill early one
 Evening met in the Road where any Goods would be Carted
 probably from Vessels coming up that Branch to the Priests,
 his Mullatto Fellow driving a Team Loaded with Hay, that
 as he passed the Team he observed the Muzzles of a Parcell
 of very bright fire Arms at the Bottom of the Waggon under
 the Hay, and that he might not be mistaken turn'd his Horse
 short round and is sure they were Guns. That a French
 Doctor who lives in Pensilvania but not more than 6 miles
 from the Jesuits has been missing more than once or twice
 and that for a long time together when no one could give any
 Account where he was gone or what after, but it is strongly
 suspected back to the French, That another Frenchman has
 been Seen in the neighborhood who was supposed to be
 entertained by the Priests and who has lately been seen
 at this French Doctors. That another very impertinent
 fellow who has its said traveled much back has been at
 the Priests, and is Since we hear taken up in Baltimore
 on some such Suspicion. We have further to Say, that
 we are assured the late M^r Ja^s Heath of this County had a
 great Quantity of Fire Arms, Cutlasses, Cartouch Boxes
 Horns &c by him at a time and that its being pretty loudly
 talked off, he sent them over to the other Bay and its sup-
 posed to Philadelphia.

We should not have taken the freedom to trouble your
 Excellency but that the minds of the People seem uneasy and
 that by the slightness of the Evidence & the length of Time
 it has been so much talked off, we knew not what best to do
 at first we thought of a Search, which we have since heard
 the Priests expected but on considering the whole Matter
 determined to lay it before your Excellency well knowing
 your good Nature would overlook this should you consider it
 as a trifeling matter, and that if you do not you'l furnish us

with every instruction necessary to proceed on whatever you think should be done

Lib. J. R.
& U. S.

We hope your Speedy answer, and in the mean time are with due respects

Your Excellencys Most Obed^t hble Servants
John Veasey
M^r Earle

Ordered that the Clerk of this Board write the following Answer thereto

Gentlemen

Your Letter in Relation to large Quantities of Arms supposed to be in your County was by his Excellency the Governor laid before the Council, whose Opinion and Request is that you endeavour to get the best Information you can and in the privatest Manner where there are any such Quantities of Arms lodged, and if any such are found together in a house supposed to be suspected, then to cause them to be seized, and that you examine any Persons as you believe can give you Information thereof.

p. 41

At a Council held at the City of Annapolis on Saturday the 14th Day of September in the fourth year of his Lordships Dominion Annoq Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble Benjamin Tasker, Esq^r Col Benjamin Tasker
Benedict Calvert, Esq^r

His Excellency is pleased to lay before this Board a Report made to him by John Brice Esq^r of his having passed Sentence of Death upon Three Negroes named Pompey Sambo and Jack for feloniously breaking and entering an Outhouse belonging to Nathaniel Dare of Ann Arundel County and stealing from thence fifty Pounds of Bacon and Ten Gallons of Rum, and It appearing by the said Report that Negro Sambo is a youth and the Son of Negro Pompey and might be influenced by the Authority of his Father It is the humble Advice of this Board to his Excellency that a Pardon should issue for Negro Sambo and Negro Jack, and that Dead Warrant should issue for the Execution of Negro Pompey on Friday the 20th of this Instant September

Lib. J. R. At a Council held at the City of Annapolis on Wednesday
& U. S. the 30th day of October in the fourth year of his Lordships
Dominion Annoq Domini 1754.

Present

The honble { Benjamin Tasker Esq^r } Col Benjamin Tasker
 { Col Charles Hammond } Benedict Calvert Esq^r

His Excellency having been pleased by his Letter from
Virginia directed to the President of this Board to signify
his Desire that the Gentlemen of the Council should meet
immediately and consider whether It might not be proper
that the present General Assembly should be dissolved and
of the Time proper to call a New Assembly, and the Gentle-
men of the Council being made acquainted with his Excel-
p 42 lencys Pleasure They accordingly met this Day, and taking
the same into Consideration, Ordered that Proclamation
issue to dissolve the present General Assembly, and that
Writts of Election issue to call a New Assembly returnable
the tenth Day of December next.

At a Council held at the City of Annapolis on Monday the
4th day of November in the fourth year of his Lordships
Dominion Annoq Domini 1754.

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r } Col Benjⁿ Tasker
honourable { Col Charles Hammond } Richard Lee Esq^r
 { Col Edward Lloyd } Benedict Calvert Esq^r

His Excellency is pleased to lay before this Board the fol-
lowing Commission

F. Baltimore

Frederick Absolute Lord and Proprietary of the Provinces
of Maryland and Avalon in America and Baron of Baltimore
in the Kingdom of Ireland To our trusty & well beloved
Horatio Sharpe Esquire Lieutenant General & Chief Gov-
ernor of our said Province of Maryland Greeting Whereas
His Majesty from the Great Confidence he has in your Mili-
tary Skill and Abilities has thought it for the publick Service
to constitute and appoint you Lieutenant Colonel of the
Forces intended to be Sent against the Forces who have
invaded his Majestys Dominions in the Province of Virginia
and other parts of America. And I being desirous to further
such his Majestys Royal Intention and to do all in my Power
to oppose & repell the common Enemy and to Express the

great Satisfaction it gives me that his Majesty has done me the Honour to Shew this his repeated Approbation of my Choice of you for my Governor of my Province of Maryland by Granting you his own immediate Commission as an Officer fit and proper to be employed in so great & National undertaking, and out of the regard I have for you and from a Sincere Inclination to promote your welfare, I do hereby Signify my desire, that you do forthwith proceed to pay all due and punctual Obedience to his Majestys Royal Commission according to the Tenor and true Intent and meaning thereof, and in Case his Majestys Service in consequence of the said Commission shall require your Temporary Absence from my said Province I do further Declare my free leave and Assent thereto, and that such your Absence from my said Province in Obedience to his Majestys said Commission shall not in any respect invalidate your Commission as my Lieutenant Governor of Maryland, Provided, that you return to my said Province to resume the Government thereof when and as often as his Majestys Service shall permit you so to do. And it is my further Will and Pleasure that during your Absence out of the Province upon this Great necessary and National Service, the Powers of Government over my Province of Maryland be exercised by the President or Senior Member for the time being of my Council whom you are to Authorize and Commissionate for that purpose, when and as the same shall become necessary agreeable to the Instructions already Received or which shall hereafter be received from me. And I do hereby require you forthwith to Signifie or Cause to be Signified to the Council of State and to both houses of Assembly within my said Province of Maryland as well the Royal Commission with which his Majesty has been most graciously pleased to invest you upon this Important Service as this my Leave of Absence hereby Granted to you from my said Province, And in a more particular manner I do require and enjoin you that you do in the most Serious & earnest manner recommend it to the Good People of my said Province, That they do in furtherance of his Majestys Royal Intentions, and in manifestation of their own just Abhorrence and Resentment at the unprovoked Insults & Attempts of the Invaders, most heartily co-operate with his Majesty & their Neighbouring Governments by Granting such effectual Supplis and prosecuting such vigorous Measures against the common Enemy as shall demonstrate to all future ages the distinguished Zeal and Loyalty of this my Province of Maryland to their Sovereign and the Cause of their Country. Given at London under our hand and Greater Seal at Arms this Sixth day of July in the

Lib. J. R.
& U. S.

p. 43

Lib. J. R. twenty eighth year of the Reign of Our Sovereign Lord King
& U. S. George the second, and in the fourth year of our Dominion
over the said Provinces, Annoque Domini One thousand
Seven hundred and fifty four.

By his Lordships Command
Cecil^s Calvert Secretary

George R. George the Second by the Grace of God King of
[Seal] Great Britain France and Ireland Defender of
the faith &c. To our trusty and welbeloved
Horatio Sharpe Esq^r Greeting We Reposing Especial Trust
and Confidence in your Loyalty Courage & Experience in
Military affairs do by these presents constitute and appoint
you to be Lieutenant Colonel of Foot in the West Indies, and
do give and Grant unto you full Power and Authority to take
your Rank as Lieutenant Colonel of foot in the West Indies
only and you are therefore to take upon you the said Charge
and Command of Lieutenant Colonel of foot as aforesaid and
Carefully and Diligently to Discharge the duty thereof by
doing and performing all and all manner of things thereunto
belonging, and we do hereby Command all officers and Sol-
diers to obey you as Lieutenant Colonel of foot in the West
Indies and you are to observe and follow such orders and
directions from time to time as you shall Receive from us,
our Captain General of Our Forces or any other your Su-
perior officer according to the Rules and Discipline of War
in pursuance of the Trust We hereby Repose in you. Given
at our Court at Kensington the fifth day of July 1754 in the
Twenty eight year of Our Reign

By his Majestys Command
T Robinson

Entered with the Secretary at War
Edw^d Lloyd

Horatio Sharpe Esq^r Lieutenant Colonel of foot in the
West Indies

Whitehall 5th July 1754.

p. 44 Sir

It is with a particular Satisfaction that I herewith Send
you his Majestys Commission appointing you to be Lieu-
tenant Col of foot in America with an allowance of 30^s p day
to be paid you by M^r Dinwidie Lieutenant Governor of Vir-
ginia from the day that you leave your Government to that
of your return I am likewise to Signify to you the Kings
Orders that you should take upon you the Command of the
Combined Forces that shall be Assembled in America to

oppose the Hostile Attempts Committed by the French in
Different parts of his Majestys Dominions and I am further
to acquaint you with the Kings Pleasure that you should
Repair as soon as may be after the Receipt of this Letter to
Virginia in order to concert with Lieutenant Governor Din-
widie the best Measures to be taken for the Execution of
these his Majestys directions and as you will find that Gentle-
man not only Provided with Instructions from hence but like-
wise with a Considerable Sum of Money to be applied to the
Publick Service upon this Occasion you will be best able to
Settle with him a proper Plan of operation, in the execution
whereof I most heartily wish you all possible Success, and I
don't doubt but that you will carry on his Majestys Measures
in manner agreeable to his Royal Expectations

Lib. J. R.
& U. S.

I am S^r Your Most Obedient humble Servant

T Robinson

Upon reading the foregoing Commissions and Letter It
is the humble Advice of this Board to his Excellency that he
be pleased to lay the same before the Assembly at their next
Meeting.

Ordered that the Clerk of this Board draw an Order on
the honble Col Charles Hammond Treasurer of the Western
Shoar payable to M^r Henry Walls or Order for Twenty five
pounds Sterling being his Yearly Salary as Armourer of this
Province ending the 29th September last to be paid out of the
Money raised from the Duty of Three pence p hogshead for
Arms.

At a Council held at the City of Annapolis Thursday the
2^d Day of January in the fourth year of his Lordships Do-
minion Annoque Domini 1755.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable Benjamin Tasker Esq^r Col Benj^a Tasker
Benedict Calvert Esq^r

Ordered that the present General Assembly of this Prov-
ince which stands prorogued to the fifteenth day of this In-
stant January be further prorogued to Thursday the Twen-
tieth day of February next, and Proclamations issued
accordingly

Lib. J. R.
& U. S.
p. 45

At a Council held at the City of Annapolis on Monday the 3^d Day of March in the fourth year of his Lordships Dominion Annoque Domini 1755.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable	{	Benjamin Tasker Esq ^r	}	Col Benjamin Tasker
		Col George Plater		Richard Lee Esq ^r
		Col Charles Hammond		Benedict Calvert Esq ^r
		Col Edward Lloyd		

On a Letter from some Gentlemen in Cecil County being produced to this Board wherein it is represented that there is Room to suspect that a quantity of Arms are some where concealed in Cecil County His Excellency in Council has thereupon thought fit to direct and impower Col John Veazey & Michael Earle Esq^r or any Magistrate of the af^d County upon any Information being given them where such Supposed Arms are lodged to make Search for & Seize or Cause them to be seized by the Sheriff his Deputy or any Constable of the County who shall them keep till his Excellency can be apprized thereof & Signify his pleasure thereon and in case any opposition should be made to the said Col Veazey or M^r Earle or any his Lordships Officers to obstruct or prevent their performance of what is hereby enjoined them they are to apply to the Colonel or any Comissionated Officer of the Militia of that County for Assistance and every such Militia Officer is hereby required on such application to muster the Militia under his Command and render himself and them where such seizure of arms may be made and also take into Custody every Person who may oppose the due Execution of this Order and them Safe keep or deliver over to the Sheriff of the County till his Excellency & Council shall be informed thereof and shall give such directions as they shall think proper thereon

His Excellency is pleased to lay before this Board the following Dissents

F: Baltimore

Frederick Absolute Lord & Proprietary of the Provinces of Maryland and Avalon Lord Baron of Baltimore &c. To our Right Trusty & well Beloved Horatio Sharpe Esq^r Our Lieutenant Governor of our Province of Maryland and To our Right Trusty and well Beloved the Upper & Lower Houses of our Assembly there and to all others in Our said Province of Maryland for the time being Greeting Whereas

at a Sessions begun and held at Annapolis in our said Province of Maryland on the Second Day of October and ending the seventeenth day of November in the third year of Our Dominion over the said Province Annoq Domini 1753. "An Act Entituled an Act to Empower the Several Courts within this Province to order Commissions for the Examination of Witnesses residing beyond Sea and for the more Easy Foreclosure of Mortgages," Passed into a Law, on due Consideration whereof we have thought fit to Dissent to the said Act And do hereby declare the said Act Null Void and of no Effect Given under Our hand & Seal at Arms at London this Tenth day of December in the fourth year of Our Dominion over the said Province Annoq Domini 1754

Lib. J. R.
& U. S.

[Seal]

By his Lordships Command
Cecil^s Calvert Sec^{ry}

F. Baltimore.

Frederick Absolute Lord and Proprietary of the Province of Maryland and Avalon Lord Baron of Baltimore &c. To our Right Trusty & Well Beloved Horatio Sharpe Esq^r Our Lieutenant Governor of Our Province of Maryland And To our Right Trusty and well Beloved the Upper and Lower Houses of our Assembly there and to all others in our said Province of Maryland for the time being Greeting Whereas at a Sessions begun and held at Annapolis in our said Province of Maryland on the second day of October and ending the Seventeenth day of November in the third year of our Dominion over the said Province Annoq Domini 1753. "An Act Entituled an Act to Repeal an Act Entituled an Act for the Confirmation of the Lands thereinmentioned to Richard Bennett Esq^r" Passed into a Law, On due Consideration whereof We have thought fit to Dissent to the said Act And do hereby Declare the said Act Entituled "An Act to Repeal another Act Entituled "An Act for the Confirmation of the Lands therein mentioned to Richard Bennett Esq^r" Null Void and of no Effect Given under our hand & Seal at Arms at London this Tenth day of December in the Fourth year of Our Dominion over the said Province Annoq Domini 1754.

[Seal]

By his Lordships Command
Cecil^s Calvert Sec^{ry}

Ordered that Proclamation issue publishing the said Dissents, which being prepared issued accordingly

His Excellency is pleased to lay before this Board his Lordships Objections to the Act for Amending the Staple of Tobacco &c. and desires their Advice & opinion therein

Lib. J. R. The Act for amending the Staple of Tobacco &c. tho a
 & U. S. very useful & desireable Act as to the General Tendency of it
 so far as it regards the Staple of Tobacco is yet lyable to such
 objections that it is with great Difficulty I have prevailed
 upon myself not immediately to Repeal it prevented from the
 greatest Utility of that part of the Act relating to the Staple
 of Tobacco and from the Affectionate Regard I have to my
 Tenants and from a firm Perswasion that my Assembly of
 Maryland will immediately on knowing my Pleasure hereby
 Signified to you pass an Act to repeal those Parts of this Act
 that relates to the Regulating & limiting Officers fees and that
 relating to foreign Coins, I have Suffered this Act to Con-
 tinue till my Pleasure thereon be known to my Assembly that
 they may have an opportunity to pass such an Act of Repeal
 as I have above mentioned, and which I hereby direct and
 instruct you to Recommend to them in my name in default of
 their doing which I shall be under a necessity of repealing the
 whole of the above Act. The Objections to which are many
 and Various the most Material of which I will point out to
 you and which I hereby Strictly enjoin & require you to avoid
 in all future Acts to which you give your assent.

p. 47 1st Objection The first Objection is that a Variety of dif-
 ferent Matters quite distinct from and independant of One
 another are comprehended in one and the same Act which is
 contrary to your General Instructions, and as the doing this
 has the Air of tacking improper things to a useful and neces-
 sary Act, you ought most carefully to avoid every thing of
 this kind.

It is the opinion of this Board that, that Instruction was
 only relative to new Laws not to Reviving or continuing ones,
 but every thing of that kind will be forborn for the future.

2^d objection. By your general Instructions you are re-
 quired to take care that nothing be enacted by any Law but is
 immediately relative to the Matters expressly mentioned in
 the Title of the Act, whereas This Act settles the Rate of
 Foreign Coins and makes them Current and legal Tenders at
 those Rates and yet there is nothing in the Title that points
 out any such Enacting Clause.

It is the Opinion of this Board That if there is any general
 Instruction which requires that in the Enacting part of Bills
 nothing shall be inserted but what is mentioned in the Title
 it ought to be observed.

3^d Objection. This part of the Act relating to Foreign
 Coins is contrary to the Act of Parliament of the 6th of Queen
 Ann settling the Rates of Foreign Coins in the British Plan-
 tations, and therefore is improper to be enacted by my As-

sembly of Maryland, The Royal Charter of Maryland requiring all Laws passed by them to be as near as may be agreeable to and not repugnant to the Laws of England. Lib. J. R. & U. S.

As the Tender proposed by this Act was not general but intended only for the Officers fees and the particular Uses of that Act this Board did not apprehend It was contrary to the Act of Queen Ann for regulating Coins.

4th Objection. The giving a Currency to foreign Coins and making them a legal Tender in Payment is exercising a Power which I much doubt whether any Plantation Assembly has a Power to do, and is doing more than was ever done by the Parliament of Great Britain.

Answered in the foregoing

5th Objection. The Currency given to foreign Coins by this Act will I greatly fear effect the paper Currency of Maryland and be greatly prejudicial to the publick of the Province.

It was thought better to suffer a Little Inconveniency by the Chance of Lowering the Value of the Paper Currency than a Certainty of losing the Advantages to the Province by the passing so advantageous a Law as the Inspection Law.

6th Objection. That part of the Act limiting the fees of my officers is an Infringement on my Prerogative Rights, And as no Reasons have been offered to me or are mentioned in the said Act to shew the necessity or Reasonableness of this Part of the Act I can by no means Suffer this part of the Act to continue.

That as the late Lord Proprietary had Settled the Officers fees by the first Inspection Law, and as this only Reduced the fractional parts of the officers fees from what they were settled by the former Law, This for the more Easy Accounting with the Officers & People was thought very considerable. p. 48

At a Council held in the Council Chamber on Tuesday the 11th day of March in the fourth year of his Lordships Dominion Annoque Domini 1755.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable	{	Benjamin Tasker Esq ^r	}	Richard Lee Esq ^r	
		Col George Plater		}	Benedict Calvert Esq ^r
		Col Benjamin Tasker			

His Excellency is pleased to acquaint this Board that his Lordship had appointed Col William Goldsborough, one of

Lib. J. R. his Council of State within this Province and that he attends
& U. S. in order to be Qualified, Who takes the Several Oaths to the Government required by Law, and also the Oath of a Councillor and Repeats & Subscribes the Abjuration and Test, and takes his place at the Board accordingly

His Excellency is pleased to lay before this Board a Return of the Justices of Ann Arundel County Court whereby it appears that they have passed Sentence of Death on Negro Joe the Slave of James Weemes for the murder of Richard Price his Overseer. Who Advise his Excellency that Dead Warrant should issue for the Execution of the said Negro Joe on Wednesday the 19th Instant to be hung in Chains as near the Place where the fact was committed as Conveniently can be.

The following Members of the Council being met in the Council Chamber prepared An Address to the Right honourable the Lord Proprietary of this Province and desired his Excellency would be pleased to transmit the same to his Lordship which is as follows.

The hon- ourable	{	Benjamin Tasker Esq ^r	}	Benedict Calvert Esq ^r
		Col George Plater		Col William Goldsborough
		Col Charles Hammond		

To the Right honourable Frederick Lord Baltimore Lord Proprietary of the Province of Maryland.

The humble Address of your Lordships Council
May it please Your Lordship

Your Lordships Exceptions to the Inspection Law having been notified by his Excellency the Governor to the Lower house of Assembly, and by the obstinate adherence of that Branch of Our Legislature to every part of the Act, that most convenient, useful, and necessary Regulation being in hazard of Expiring, We presume to lay before your Lordship, with all imaginable deference, some observations upon those Clauses to which your Lordship has been pleased to Object
p. 49 and humbly hope, as we most ardently wish, with the assistance of your Lordships Inclination to determine favourably in a Case of so great consequence to the Peace and welfare of your Province, that your Lordship will be induced to give your final Sanction to the Act

To avoid perplexity we beg leave to State the Substance of your Ldps principal objections and apply our observations under the five following heads.

1st That the Inspection Act is repugnant to the Statute made in the Sixth year of the late Queen Settling the rates of Foreign Coins in the British Plantations. Lib. J. R.
& U. S.

2^d That the Act gives a Currency to Foreign Coins

3^d That the Currency given to foreign Coins may greatly affect the Credit of the Provincial Currency

4th That that part of the Act relative to Foreign Coins does not Correspond with any part of the Title

5th That the Act is an Infringement of your Lordships prerogative in the Limitation of Officers fees, and the necessity or Reasonableness of the Limitation does not appear.

The Statute made in the Sixth year of the late Queen intended to Reduce the Coins Specified in the recited Proclamation to one Current Rate, for this Purpose a Table of the intrinsick Value of those Coins according to their weight, and the assays in the Mint, having been made, the Current rate was Settled by the addition of $33\frac{1}{3}$ thus these Coins as a Silver Currency were regulated. upon this head it is material to Observe to your Lordship that we have four Denominations of Money Current within this Province

Sterling
Gold Currency
Silver Currency
Paper Currency

Which are received and demandable according to the Terms of the Contract in Specie or the one is paid in lieu of the other according to the Exchange, which being Variable and precarious in its Nature, the Proportion which the Value of one Denomination bears to that of an other can't be exactly ascertained; as the one or other of the several Sorts of Money happens to be wanted, the Possessor makes his Profit.

When Contracts are made in Sterling the Creditor is not Compellable to receive Payment in any of the other Currencies, there being no legal Regulation of the Proportion which the value any other Denomination bears to Sterling & so of the Rest

The greatest part of your Lordships Quit Rents are payable in Sterling and althô in Lieu thereof, Gold Silver & Paper Currency is often received yet the Rate is determined only by a Private Contract between the Tenant & the Receiver.

Sevil pieces of Eight considered as Sterling in respect of Bills for Sterling fluctuate between $2\frac{1}{2}$ & 4 p Centum in respect of Paper Currency (as well Since as before the Inspection Act in every other Case except in the Payments to

Lib. J. R. be made in a few Instances under that Law) between 7/ &
 & U. S. 7/ 6^d; Paper Currency in respect of Sterling varies between
 60. & 65. and Foreign Bills of Exchange according to the
 Place where they are Payable are better or worse from 1/2 to
 1 p Centum. The Exchange for Gold Currency is generally
 affected by the same Causes which affect that of Silver Cur-
 rency, and Rises or falls in Proportion. by these Instances
 your Lordship will be pleased to observe that the proportion
 which one Denomination of Money bears to another is un-
 p. 50 settled, and Contingent and in the nature & Course of Com-
 mercial affairs it must be so. The Produce of our Staple
 centers in England, thither the Merchants and Factors must
 make their Remittances. He who has Money in England, if
 he enjoys the Liberty of Keeping or transferring it, will make
 his Advantage from the Convenience or necessity of others
 to have the use of Money in the same Place.

Altho it may be Collected that the Current Rate of Silver
 is Regulated in the Queens Proclamation by an Addition of
 33 1/3 to the intrinsick Value, yet the Statute does not pro-
 hibit the Receiving of Silver Currency in lieu of Sterling at
 any other Rate, and therefore it is presumed, That the Addi-
 tion of 40 to the sterling Value for Bills, or in Lieu of Ster-
 ling Cash and for the same Reason that it would not be
 illegal to take 60 p Centum in paper Currency for Sterling,
 or 20 p Centum in Paper Money for Silver Currency, The
 Denominations being distinct & preserved altho the Ex-
 change or proportion between the one, and the other is un-
 settled and Fluctuating, whatever the Difference may be
 between Paper Currency, or Sterling and Silver Currency,
 yet the Silver Currency as such Remains Subject to the
 Regulation of the Statute. No one upon any Bargain or Con-
 tract made after the time Limited in the Statute can legally
 receive a Sevil Piece of Eight as a Silver Currency for more
 than 6/ the Current Rate established by the Statute But we
 Conceive it would be no Breach of the Statute to make a Con-
 tract for 6/ Silver Currency or 7/6 Paper Currency, and to
 Receive the one or the other. If therefore the Inspection Act
 had directed that 9/4 Silver or 12/6 Paper Currency might
 be paid in Lieu of 100^{wt} Tobacco It would not be Construed
 to impugn the Statute and we must Submit it to your Lord-
 ship, that the Inspection Act is so in Effect for it is recited
 ss LXXX "That the excessive quantity of Tob^o in some
 "measure depreciated the Commodity in order therefore to
 "lessen the Quantity by tempting People to pursue other
 "employments, than that of Planting, those who should not
 "make Tobacco are allowed to discharge the Clergys dues

“Lawyers and Officers fees &c. in the Provincial Current Lib. J. R.
“Money ie, Paper Money rating Tobacco at 12/6 7 Centum” & U. S.

Had the Act proceeded no farther with regard to Money Payments they might have been exacted in Paper Money But the Act afterwards directs that Dollars shall be received at the rate or in lieu of 7/6 Paper Money if offered in Payment, by which Regulation the Proportion only between Silver and Paper Currency is ascertained (as to the Payments to be made under the Act and in no other respect) But Dollars as a Silver Currency are Still left to the Settlement of the Statute, and as the Inspection Act (as has been said) had it directed that 9/4 Silver or 12/6 Paper Currency should be received in lieu of 100^{wt} Tobacco from those who should not make Tobacco would not have contravened the Statute; so we Conceive that the Clause is not repugnant to the Act in Settling the Proportion between Silver and Paper Currency there being no real difference between the Expressions “9/4 Silver or 12/6 Paper Currency may be paid in discharge of 100^{wt} Tobacco” and 12/6 may be paid in discharge of 100^{wt} Tobacco and 9/4 Silver Currency in lieu of 12/6 Paper Currency, which is all the Regulation of the Act in regard to Foreign Silver Coins.

As your Lordships Second objection that the Act gives a p. 51
Currency to foreign Coins We must beg leave to observe to your Lordship that the most Valuable part of the Foreign Coins in Circulation in America are either regulated by Provincial Laws, or the Consent of the People, to which they have been Induced by the intrinsick Value of them, the Proclamation and Statute of the late Queen relating only to foreign Silver Coins, before the Act of Assembly for Emitting of Paper Money, which passed by the authority of the Provincial Legislature, we had very little other Money than Foreign Coins in Circulation, and untill an unfair use of these Monies was made the Crown did not with regard to any of them interpose by Proclamation. Paper Money has obtained a Currency with us without any Concurrence or Interposition of the Crown. An Act of Assembly was made in this Province in the year 1708 when the immediate Government was in the Crown, and Subsequent to the Statute “entituled an Act for Settling the Rates of foreign Silver Coins within this Province” By which the Coin called Dog Dollars was made Current in all Payments at 4/6, with the Assent of Queen Ann, and we humbly hope that as to such of the Foreign Coins mentioned in the Inspection Act which are not Specified in the Queens Proclamation, the Act will not be Construed a violation or Infringment of the Royal

Lib. J. R. Prerogative Since these are, and have always been Current
& U. S. in America and no alteration is made as to their Current
Rate, and as to such of the foreign Silver Coins as are men-
tioned in the Queens Proclamation, we Submit to your Lord-
ship upon what has been said under the first head that the
Inspection Act does not give them a Currency; their Current
Rate was Settled by the Queens Proclamation and the Stat-
ute, and the Act only directs that they may be paid in Lieu
of Paper Money, and Settles the Proportion between the one
and the Other.

As to the third objection that the Currency given to
Foreign Coins may greatly affect the Credit of the Prov-
incial Currency We flatter ourselves that the Paper Money
will not be much affected by the Inspection Act except
in this Respect that those who could Command the Paper
Money will not have it so much in their Power to ex-
tort what Terms they Please from those who would be
obliged to pay in that Specie. The frequent opportunities
of Committing oppression by making an unconscionable
gain are taken away from usurers by the Clause, but the
Paper Money is not really depreciated by the whole Act.
All the Paper Money in the Province (no inconsiderable
part whereof is Locked up) does not exceed £60000. this
whole sum is in few hands and without doubt great Ad-
vantage might be made if all the Payments were to be
Compelled in Paper Money, but the publick can Receive no
disadvantage from a Mitigation of that Strictness. the real
Value or Credit of the Paper Currency, whilst the fund
by which it is finally to be Sunk, remains untouched, and
upon the Primitive Institution can't be Materially Dimin-
ished; It is true the Exchange for Paper Money is not so
high as it was before the enacting of the last Inspection Law,
but it does not follow that it would grow to the same Rate if
the Inspection Act was to be totally discontinued, for your
Lordship will be pleased to observe that We had an Inspec-
tion Act in force when that under your Lordships considera-
tion Passed which Naturally enhanced the Value of Paper
Money as all the Payments under that Act were made in the
p. 52 Paper Currency only. This occasioned a great Demand for
Paper Cash, and as those who had it did not lose the oppor-
tunity of availing themselves of this Circumstance it con-
sequently affected the Exchange; But should the Present
Inspection Act cease but very few Money Payments would be
made, and thus the Demand for it, one great Cause of its
Value, would be lessened and the Exchange necessarily fall;
as therefore the Payments which may be made in foreign
Coins are only to discharge Officers fees &c. and these fees
was the Inspection Law to be Totally discontinued, would

very few of them be paid in Money (for almost every one would make Tobacco enough to pay fees &c. when it might be paid at home & without Inspection) the Regulation of Foreign Coins in reality can't Materially affect the Value or Credit of the Paper Currency altho if the Clause was repealed and the Residue of the Law should remain in force, Paper Money from the great demand, would be more Valuable, yet if no part of the Inspection Act should Continue there is Room to doubt, whether it would become more Valuable than it is now.

Lib. J. R.
& U. S.

On this head it may not be impertinent to observe to your Lordship that your Province is so Circumstanced in Respect of its situation, Soil and Climate, as to suit the Planter and the Farmer. the Lands Convenient to Salt Water are Coveted by the Planter, the Frost not happening there, till the Tobacco may be conveniently Housed and Secured, and the Situation being Convenient for Shipping. The Inland parts of the Province being Subject to Early Frosts and much Trouble and Expence attending the Carriage of a Bulky Commodity are unsuitable to the Business of a planter but with a Proper Industry will Pay the Farmer for his Labour, the Produce of these Lands are generally Sold to the Neighbouring Colonies and the Price for it paid in Gold & Silver Currency and the Clause was intended as an Indulgence to the Farmers, who are generally an industrious and frugal People, that they might Pay the Coins they receive for their Commodities in the Neighbouring Colonies and to protect them from the Injustice of oppression as it is indubitably the Interest of the Province rather to Divide and Diversify the Employments & Labour of the People & encourage the Settlement of the Back Lands, than force every man under every disadvantage to become a Planter or by the oppression of Usurers or Extortion of Sheriffs to migrate to some other Colony This Clause is esteemed of great Advantage to your Lordships Tenants.

As to your Lordships fourth objection We must admit that the Matters contained in the Act are various and a more proper Title might have been framed, but your Lordship will be pleased to observe, that the Variety of Matter contained in the late Inspection Law was as great, had the Clause Settling the Proportion between foreign Coins and Paper Money not been inserted in the Present Act. It is recited in ss XXX "that the excessive quantity of Tobacco in some measure depreciated the Commodity and in order to tempt People to pursue other employments than that of Planting those who should not make Tobacco are allowed to discharge the

Lib. J. R. Clergys dues Officers fees &c. in the Provincial Current
 & U. S. Money rating Tobacco at 12/6 p Centum. As the object of
 this Part of the Act was the Diminution of the Quantity of
 Tobacco and thereby to Advance the Price of what should
 p. 53 be sent to Markett, it is not quite Foreign to that part of the
 Title of the Act for amending the Staple, and as the accus-
 tomed method of taxing and Charging Clergys dues &c. has
 been in Tobacco because the most convenient to the Planters
 who are the Bulk of the People but yet would be inconvenient
 to Farmers and others not engaged in the Culture of Tobacco,
 The Liberty was given to the Farmers &c. to pay off the
 charges in Tobacco with Money, and in this Light the Clause
 appears to have some Correspondence with the Title of the
 Act for the Limitation of Officers fees, and the Clause regu-
 lating foreign Coins, giving Ease and Indulgence to the Farm-
 ers by allowing them the Alternative of paying Gold and
 Silver or Paper Currency, has the same Relation to the Title
 of the Act for amending the Staple, and Limitation of Offi-
 cers fees. It seems not immaterial to observe to your Lord-
 ship that Tobacco Answers the Purposes of Money, and in
 many parts of the Province is the Common Medium, Debts
 are Contracted in Tobacco and bear an Interest of 8 p
 Centum. Our Tobacco being thus considered in these two re-
 spects as a Commodity and a Medium, when it came to be
 regulated by an Act required different and apparently inde-
 pendent regulations, and those of necessity for it could not
 be exclusively and properly affected as a Commodity or a
 Medium

We beg leave further to observe to your Lordship that in
 all or most of the Colonies within his Majestys American
 Dominions a Rate is Settled between Foreign Coins and the
 Provincial Currency, either by the Consent of the People, or
 express Laws, and if Silver or Gold Currency could not be
 received in this Province in lieu of Paper Money, but at a
 Par we should have very little left in a short time, and it
 would be very difficult if not impossible to carry on any Sort
 of Trade to Advantage with any other of his Majestys Amer-
 ican Colonies.

As to your Lordships fifth objection that the Act is an
 Infringement of your Lordships Prerogative in the Limita-
 tion of Officers fees, and the necessity & Reasonableness of
 the Limitation does not appear

We beg leave humbly to observe to your Lordship that we
 do not Conceive your Lordships Prerogative can in any Sort
 be impeached by the Passing of this Law with your Lordships
 Assent. There have been many Acts at different Periods for

the Limitation and regulation of Officers fees. The late Lib. J. R
Inspection Act is a recent Instance, but your Lordships Pre- & U. S.
rogative is as indisputable now, as ever it was. It is the un-
doubted Prerogative of the Crown to regulate foreign Coins
by Proclamation, but the Statute of the late Queen was not
thought any Diminution of the Royal Prerogative. Before
the late Inspection Act Officers fees were regulated by Proc-
lamation, and your Lordships Noble Father Ascertained the
Quantum from an Act of Assembly which had been in force,
but then Expired, and as the Regulation of fees by Proclama-
tion was the Source of much Popular uneasiness and dis-
quiet he was always desirous of a Limitation and Settlement
of them by an Act of the Legislature, but such had been the
Turbulency and distemper of the Lower house that it could not
be effectuated upon any Reasonable Plan till the late Inspec-
tion Law was Enacted, altho the Circumstances of the Prov- p. 54
ince required it. The Bulk of the people can't pay Money,
but must be Indulged to Satisfy the Charges against them in
Tobacco and as this Commodity is not easily Portable, and
can't be paid down when the Service is done, and Credit must
be given till it can be conveniently got ready the People at the
End of every year fall considerably in Debt to the Officers
and as the Profits of the respective Offices are thus out-
standing The Inspection Act giving the Officers a facile and
Expeditious Recovery of their dues and guarding against
frauds is a Regulation of great Convenience

When the fees were regulated by Proclamation they were
Payable in Tobacco and Credit given to the People, and if
they were now to be regulated by Proclamation they would
necessarily be payable in the same manner, otherwise the
People would be restricted to such Terms as they could not
Comply with and upon the Matter be deprived of those Bene-
fits which the very Institution of the Offices intended to give
them.

That your Lordship may the better determine upon the
Reasonableness of the Act in respect of the Limitation of
Officers fees we beg leave to represent to your Lordship the
Situation of the Officers Claiming their fees under Procla-
mation and as they are now entituled unto them under the
Inspection Act.

Each officer by the Common Law, without any precise
regulation by Proclamation or Act of Assembly would be
intituled in Compensation of his Service to Quantum Meruit.
A Proclamation We humbly Conceive would have no other
Effect than to ascertain and establish that Quantum, but as
to the Mode or Remedy of recovering it that must be left to

Lib. J. R. the Prescript of the Law, The Officer without the Inspection
& U. S. Act would have his fees outstanding & dispersed all over the Province, for the Collection of them he would be obliged to appoint Several Receivers in Each County, for whose Care and Fidelity he would find it difficult to obtain a sufficient Security; should his Debtor refuse to Pay him he would be delayed by a tedious Law Suit. no one by the Laws of this Province can be sued without a demand first made, nor in any other Court but that in the County where he resides, unless the Claim is Cognizable in the Provincial Court. where the Demand must be made, there the Tobacco might be paid. The prejudice of County Court Jurys against officers, the charges and Trouble of Sending a Clerk or Deputy to the Remote parts of the Province to Prove the Service, the dishonesty of Receivers in taking Trash Tobacco, the Low Price of the worst part of an uninspected, & unregulated Commodity the excessive Quantity of that Commodity (for every one would make it when it might be paid at home and without Inspection or pay it when he might be furnished with it from Virginia) the Expence of large Commissions and of Carriage to convenient Places for Shipping, are Circumstances of great inconvenience.

An Inspection Act obtained in Virginia for Several Years before any such Regulation was enacted here, which not only drew the County Purchasers from us thither, But also some of our best Tobacco which after an Inspection there, was Stamped and Shipped to Europe as Virginia Tobacco, and occasioned this further Mischief that much of the Virginia Trash Tobacco which could not Stand the Test of an Inspection was brought into this Province and Sent to Europe as the Product of Maryland; thus our good Tobacco improved the Credit of the Virginia Staple, and the Refuse of the Virginia Tobacco depreciated ours, and we make no doubt but that the same Pernicious Practice would be Revived should your Lordship dissent to the present Inspection Act.

By the Inspection Act a festinum Remedium is given to the Officer: If the Debtor Refuses or omits to pay in a convenient Time after delivery by the Sheriff of an Account of the Claim, his Effects are liable to be Seised and Sold to make Satisfaction, and his Person to imprisonment in the same manner as upon an actual judgment at Law. the officer has all possible security of being paid in Merchantable Tobacco and at a place convenient for Shipping; By the Inspection Act there is a great defalcation of the Proclamation fees, But the Officer upon the whole is indubitably a Gainer

We might have represented to your Lordship how much

the Interest of your Propriety is Connected with the Ease Lib. J. R.
& U. S.
welfare and Prosperity of your Tenants and Consequently
with this Act, But if the Improproprieties of the Clauses ob-
jected to by your Lordship are such, as your Lordships Noble
& Generous Inclinations to make the People under your
Government happy, cannot Suggest an Extenuation of them,
we are convinced it would be vain and fruitless to urge any
other Motives to reconcile your Lordship to the Law.

We have reason to fear that we have tired your Lordships
Patience with this long Representation and most humbly
intreat your Lordship to Pardon the manner & Prolixity of
it, as well as the Earnestness We have Expressed for the
Continuance of this Act, so interesting, important, & neces-
sary. The best Apology we can make for the Trouble We
have given your Lordship in this Address is to tell the Plain
fact. We were irresistibly prompted to it by a Conviction
of the Certain & extensive Utility of the Inspection Act, by
our dread of the unhappy Confusion, and infinite distress the
Loss of it would Produce, By our Gratitude for the favours
by which your Lordship and your late noble Father have
distinguished us, and by our Zeal to Promote your Lordships
most important Interests. Upon our Motive in the Applica-
tion, We rely for your Lordships Pardon, and from your
Lordships Goodness, we hope for Success.

Benj^a Tasker Presid^t

At a Council held at the City of Annapolis on Thursday
the 29th day of May in the fifth year of his Lordships Do-
minion Annoque Domini 1755.

Present.

His Excellency Horatio Sharpe Esq^r Governor
The Hon- { Benjamin Tasker Esq^r } Col Benjamin Tasker
ourable { Col Edward Lloyd } Col William Goldsborough

Ordered that the following Proclamation issue

By his Excellency Horatio Sharpe Esq^r Governor and Com-
mander in Chief in & over the Province of Maryland.

A Proclamation

Whereas Intelligence has been brought by some, who have
lately been at the French Fort on the Ohio that those In-
vaders of his Majestys Dominions together with their Allied
Indians, do propose and threaten to attack harrass, & destroy
the back Inhabitants of this and the neighbouring Govern-
ments as soon as his Majestys Forces under the Command of

Lib. J. R. Major General Braddock, shall advance Westward beyond
 & U. S. the Mountains in hopes as it may be presumed thereby to retard & divert his Excellency from the Execution of the Plan which he purposes to pursue, I have therefore thought fit with the Advice of his Ldps Council of State to cause the same to be made known by this Proclamation To the End that the distant and other the Inhabitants of this Province may put themselves in a posture of defence, that those who want may immediately furnish themselves with Arms and Ammunition and be on their Guard to prevent such a surprize as those Threats of our Enemies give us too much Room to fear, and as I think it my duty to caution and exhort all the Inhabitants of this Province to prepare in the best and most expeditious manner they can for the defence of themselves and each other against the Attempts of such presumptuous Invaders and to use the most effectual means for that purpose; I do hereby Command the Sheriffs of Baltimore & Frederick Counties to publish this my Proclamation in the most frequented places of their said Counties and to affix Copies thereof in many publick places Given at Annapolis this 30 day of May in the 5th year of his Lordships Dominion Annoq Domini One thousand Seven hundred & fifty five

His Excellency is pleased to acquaint this Board that he has sent the following Letter to the Colonels of the Militia in Frederick and Baltimore Counties.

Sir

I desire you will have a general Review of the Militia of your County either together or separately, and that you will make me a particular Return thereof, specifying the several Officers Names, and the number of men in Each Troop or Company; you will also acquaint me how they are furnished with Arms, and whether plenty of Ammunition can be procured on Occasion within your said County. In case of any rioting or caballing by Servants, Slaves, or others, you are to march with or order any Troops or Companies under your Command to quell them and Seize the Ringleaders, whom you shall keep in Custody till I can be advised thereof.

Ordered that the present General Assembly of this Province which stands prorogued to the first day of July next be called to meet at the City of Annapolis the Twenty third day of June, & Proclamations issued accordingly

At a Council held at the City of Annapolis on Tuesday the 24th day of June in the fifth year of his Lordships Dominion Annoque Domini 1755. Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable	{	Benjamin Tasker Esq ^r	}	Col Benjamin Tasker
		Col Charles Hammond		Benedict Calvert Esq ^r
		Samuel Chamberlaine		Col. William Goldsbor-
		Esq ^r		ough
		Philip Thomas Esq ^r		

His Excellency is pleased to lay before this Board a Report made to him by the Justices of a special Court of Oyer and Terminer and Goal delivery for Charles County whereby it appears that they have passed Sentence of Death upon Negroe Anthony and Negro Jenny for Consulting, Conspiring & advising to Poison their late Master Jeremiah Chase and also one William Stretton for Poisoning his said Master Jeremiah Chase. Ordered that Death Warrant issue for the Execution of the said Negro Anthony and Negro Jenny and also for the Execution of the said William Stretton, on Friday the fourth day of July next to be hung in Chains as near the publick Road as conveniently can be where the fact was committed; and also that they had Passed Sentence of Death on Negro Jack for Attempting to Poison his Master Francis Clements Ordered that Dead Warrant issue for his Execution and likewise upon Negro Dick the Slave of Charles Courts for breaking & Entering the Out house of a Certain George Keech and Stealing therefrom Thirty pounds of Bacon, and it appearing to this Board that he had been a Notorious offender & lately Pardoned for an offence of the same kind Ordered that Dead Warrant issue for his Execution. p. 57

At a Council held at the City of Annapolis on Friday the 18th day of July in the fifth year of his Lordships Dominion Annoq Domini 1755.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable	{	Benjamin Tasker Esq ^r	}	Col Edward Lloyd
		Col Charles Hammond		Col Benjamin Tasker
		Samuel Chamberlaine		Benedict Calvert Esq ^r
		Esq ^r		Col William Goldsbor-
		Philip Thomas Esq ^r		ough

Lib. J. R. His Excellency is pleased to lay before this Board the two
& U. S. following Letters

Sir

I have this moment received the Melancholy Account of the Defeat of our Troops, The General kill'd and numbers of our officers, our whole Artillery taken; In short the Account I have Received is so very bad, that as please God I intend to make a Stand here, its highly necessary to raise the Militia every where to defend the Frontiers.

Your humble Serv^t

To all to whom this may Concern

James Innes

Fort Cumberland July 11th 1755.

A True Copy of Col Innes's Letter

Signed Fairfax

I have Sent an Express with the Original Letter to the Governor

Sir

I herewith Send your Excellency a Copy of my Letter to Governor Dinwiddie which is the fullest Accounts I am able to get I am this Instant getting another Person and another horse to Send out to the Army with directions not to return without some Accounts.

Your Excellencys Most Obed^t Hble Serv^t

Fort Cumberland 13th July 1755

James Innes

P. S. the Action is said to be on the 8th Current & within four miles of the French Fort.

To the Honb^{le} Hor^o Sharpe Esq^r

p. 58 Hono^r Sir

My Letter of the 18th June brought you the Defenceless Situation that I was left in here notwithstanding in all this time I have not seen the face of one Single Person come here as Militia from either Virginia or Maryland either to Strengthen the Defence of the Place or to be ready as Escorts for Sending out with Provisions. Depending upon some Succers I have from time to time detached party after party to the Army so that I have now very few real healthy men to do the duty

The Dismall news brought down here on the Eleventh Current Friday at Noon, obliged me to send it as it came to my Ears from Waggoners and such People

I was surprised not to have some Messenger Sent me from the Army with Accounts that I might depend upon which obliged me to Send a Boy on purpose next day and gave him

one of the best and freshest Horses I had here and this moment he is returned with much the same accounts. His Horse giving out he could Proceed no farther than the Little Meadows 25 Miles from this all the Accounts I get from him is related by the Waggoners and much to the same purport as at first that the General and many Officers are killed and half of our Soldiers with most of the Artillery taken by the Indians But not in this time having any Accounts from the Army gives me hopes things cannot be so very bad with us.

Lib. J. R.
& U. S.

However I think it highly requisite and full time that the Militia in the three Neighbouring Provinces should be immediately draughted and Sent out to their assistance, Horses and Waggoners will be absolutely needful, Three or Four thousand men will absolutely carry Victory before us when five times the Number in a little time hence will not do, All which I most humbly Submit. you may depend as soon as I receive any Accounts I shall forward them. you may likewise depend Please God I live I will do my best to maintain this Post. I am

Your Hon^{rs} Most Obedient humble Servant

Fort Cumberland

James Innes

13 July 1755

To the Hon^{ble} Governor Dinwiddie

His Excellency is pleased to desire the Opinion of this Board Whether If the General has met with a Defeat Is it then necessary to call the Assembly—

Benjamin Tasker Esq^r Col Hammond, Samuel Chamberlaine Esq^r Col Tasker & Col Goldsborough are of Opinion & Advise his Excellency that the Assembly be called

At a Council held at the City of Annapolis on Friday the 15th day of August in the fifth year of his Lordships Dominion Annoque Domini 1755.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable	{	Benjamin Tasker Esq ^r	}	Col Benjamin Tasker
		Col Charles Hammond		Benedict Calvert Esq ^r
		Samuel Chamberlaine		Col William Goldsbor-
		Esq ^r		ough
		Philip Thomas Esq ^r		

His Excellency is pleased to ask the Opinion of this Board Whether the Assembly should be now called or not, Resolved in the Negative.

His Excellency is pleased to ask the Opinion of this Board

Lib. J. R. Whether If the Pensilvania Assembly pass a Bill to raise
& U. S. Money for his Majestys Service the Assembly should then
be called, Resolved in the Affirmative

His Excellency is pleased to ask the Opinion of this Board
Whether there is an immediate necessity to prevent the Ex-
portation of Indian Corn, Resolved there does not appear any
immediate necessity.

Ordered that the Clerk of this Board write the following
Letter to the Magistrates of the Several Counties of this
Province.

Gentlemen

It having been reported that there have been lately some
tumultuous Meetings and Caballings among the Negroes in
some parts of the Province & moreover that Persons of the
Roman Catholick Persuasion have misbehaved in such a
manner in some Counties as to give his Majestys Loyal Sub-
jects just Cause to fear an Insurrection I am directed by the
Governor and Council to write to you thereon, and in their
Names to desire you will enquire and learn what foundation
there is, or what Cause has been given in your County for
such a Report. if upon Examination there shall appear to
have been sufficient Cause given either by Papists, Negroes,
or others for such Reports you are to cause the offenders
to be apprehended, and either commit them to the Sheriffs
Custody or oblige them to give good Security for their Ap-
pearance at the next Assizes and in the mean time you are
to Advise the Governor thereof; but if upon Examination
had, it shall appear to you that such Rumours or Reports
tending so much to the disquiet of his Majestys Subjects in
this Province are intirely groundless & without Foundation
you are then required to bind over to the next Assizes as
Disturbers of the publick Peace whoever shall appear to be
the Authors of such Rumours, or to have industriously
propagated such Falsehoods.

As it has been also intimated that some Roman Catholick
Priests of this Province, have been lately absent from their
usual place of Residence a considerable time, you are desired
to enquire if any Priest from your County has been so absent,
& if it shall by the Affidavit of any Evidence appear to you
to have been the Case, you will Summon such Priest to ap-
pear before you, and if he does not give a very Satisfactory
Account of himself, and where he has been during his ab-
sence from home, you are to commit him to the Sheriffs
Custody, unless he gives good Security for his immediate
Appearance before the Governor and Council, whom you are

instantly to advise what you have done respecting such Priest, and inform them of whatever has come to your Knowledge concerning his Absence or Misbehaviour. Lib. J. R.
& U. S.

His Excellency is pleased to inform this Board that he had some time agoe Sent the following Instructions to the Commanding Officers of the Militia of Baltimore and Frederick Counties

Instructions to Colonel Nathaniel Wickham Commander in Chief of the Militia of Frederick County

Sir

As sometime since, I sent you peremptory Instructions to regulate the Militia of your County and to have the Several Troops and Companies under your Command frequently Mustered and disciplined, I presume and hope you will not find any great difficulty in Executing the Orders that the late Incursions of the French Indians into this Province call upon me and oblige me now to give. For the Protection of our western Frontiers and the Inhabitants of this Province p. 60
It is thought proper and necessary to have and keep a Company of Eighty Men including Officers in Arms and constantly ranging for some time in Frederick County to repel any party of the Enemy that may presume to come into this Province to destroy the Inhabitants or lay wast the Country; you are therefore hereby directed & enjoined instantly to convene all the Commissioned Officers of the Foot Militia under your Command and acquaint them that by their several Companies Seventy six Men must be furnished immediately to be formed into one Company under the Command of a Major or Captain, a Lieutenant and an Ensign, which three officers you must appoint by Lot or otherwise from all the officers of the Foot Militia of your County, the Day that you convene them as afore directed That done, you shall give Orders to the several Officers to muster as soon as they Possibly can, their respective Companies and there from to draft by Lot (unless Voluntiers offer themselves) such a Number of men as you shall think it reasonable and fit for each Company to furnish, to make up the Complement of Seventy Six; the Men so drafted every Captain shall send to the Place of Rendezvous under the Care of their Lieutenant or Ensign, who shall deliver the said Men to one of the three Officers by you appointed to command the said Company of Rangers, thus to be raised and take his Receipt for the said men, which Receipt shall Specify the names of such men, when they were delivered, and from whose Company they were drafted and shall be sent inclosed to me, by the first

Lib. J. R. opportunity, and in case any private Soldiers or men, shall
 & U. S. refuse to be drafted in manner above directed, or afterwards
 to Serve, or March to the Place of Rendezvous, and join the
 Company, The Captains of such men, so Refusing to be
 drafted or Serve, shall thereupon put in Execution the Militia
 Law of this Province, particularly that Clause thereof which
 directs, what shall be done if upon any Foreign Invasion, any
 Person or Persons shall upon the Command of his Captain
 obstinately refuse to appear and Serve in Arms and the said
 Captain shall then proceed to select and draft other men to
 make up the Number, that he may be by you required to
 furnish from his Company. As soon as you have appointed
 Officers for the Company of Rangers, you are to acquaint me
 with their names that I may send them further Instructions
 for their Government & Conduct—you shall also Advise me
 what Place you have appointed for their Rendezvous, till
 they receive my final Orders, that I may if Possible review
 them before they March, you must also make me a Return of
 the Arms and Ammunition in your Possession, or the Maga-
 zine of the County, that if wanted I might send up a proper
 supply for this Occasion

Given at the Council Chamber at the City of Annapolis
 under my hand and Seal this third Day of July in the fifth
 year of his Lordships Dominion Annoq Domini 1755

Hor^o Sharpe

To Colonel Nathaniel Wickham of Frederick County. For-
 asmuch as the Safety of the Inhabitants of this Province who
 are threatened to be attacked by the French and their Allied
 Indians makes the putting & Keeping the Militia of the
 Frontier Counties especially in Good Order at this time of
 danger extremely necessary I have thought fit hereby to re-
 p. 61 quire and command all Military Officers within your County
 to have the several men under their respective Commands
 frequently Mustered and disciplined (once at least in every
 fortnight for this three Months) and ready to march upon
 any Emergency to Serve his Majesty by defending that part
 of his Majestys Dominions and their own Properties and I
 do further strictly Command and enjoin you and the Several
 officers under your Command during the time aforementioned
 to put in force and see the Militia Laws of this Province
 strictly executed against such Persons as shall neglect their
 duty or disobey the Lawful Commands of their officers, and
 to the End the said Militia may be rendered fit and ready for
 Service on occasion you shall as often as you shall see fit and
 at such times and Places as you shall judge most convenient

review the Several Companies under your Command Severally or together and upon their appearances diligently observe how well they shall be appointed and Provided, that you may be the better enabled to give me an Account thereof and you shall also direct the Captains of the Several Companies respectively as often as they muster and discipline the men under their Command to make you a Return of the Persons that shall attend at every such Muster and also send you the names of those that may neglect to attend in order that you and one other officer may award Execution against such as shall neglect or refuse to appear in obedience to this and your Orders and you are moreover hereby requir'd to Inclose the said Returns to me that I may be satisfied how punctually these my Orders are obeyed and upon any Alarm of an Enemys approach upon any Invasion or Incursion of the French or their allied Indians you are hereby authorized & directed immediately to Summons such Troops or Companies as you shall see fit, and either lead or order them to march under the Command of some other officer against such Enemies and to resist or attack the Invaders as you think proper for the better Security and defence of the Province, and in Case you or they make any such French or Indians Prisoners you are to convey them under a Guard to the County Prison and immediately send me Advice thereof as you are also required to Do of every occurrence likely to affect the Peace and Safety of this Province which shall Come to your knowledge. Given under my hand this 30th Day of May Anno Domini 1755.

Lib. J. R.
& U. S.

At a Council held at the City of Annapolis Tuesday the 26th Day of August in the fifth year of his Lordships Dominion Annoque Domini 1755.

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r } Col Benjamin Tasker
honourable { Philip Thomas Esq^r } Benedict Calvert Esq^r

Several Letters and Papers being laid before this Board by his Excellency relating to the March of some French and Indians to the great Meadows and their Encampment there and also in relation to Col Dunbar's leaving Wills's Creek and marching with the Troops under his Command to Pennsylvania which being read his Excellency desires the Advice of this Board whether It may be necessary now to call the Assembly, Who are of Opinion It is not now necessary but if the Enemy should attack Fort Cumberland, then immediately to call the same.

Lib. J. R. At a Council held at the City of Annapolis on Saturday the
& U. S. 10th day of October in the fifth year of his Lordships Do-
minion Annoque Domini 1755.

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r } Col Benjamin Tasker
honourable { Col Charles Hammond } Benedict Calvert Esq^r

His Excellency is pleased to lay before this Board the fol-
lowing Letter

Camp at Oswego September 9th 1755

Sir

As it may be acceptable to your Honour to know the Situ-
ation of the Service, which is under my immediate Care I
transmit you the following Account of it

The last Division of the forces under my Command were
twenty Six days upon their March from Schenectady to this
Place, where they did not arrive untill the 2^d Instant: The
Troops was so much reduced by desertion and Sickness, and
Absence of Detachments upon Parties & Command, that by a
field Return, which I Ordered to be taken Yesterday it ap-
pears, that the numbr of men, in the three Regiments & In-
dependant Company fit for duty upon the Spot don't amount
1400, out of which We are oblig'd to keep 100 at work upon a
new fort, and if the Body of the forces moves from this
Place, must leave 300 at least for the Defence of it so that
not 1000 Men will remain for other Service, and of these
Sixty must be employed as Matrosses and a Number as Pio-
neers: To this I am to Add that We have Suffered Greatly
by Desertion of Battoe men, after being impressed and even
proceeding part of the way with us; by which means we are
in want of Provisions for any Service that will require ten
days in the Execution

However if I am not disappointed of Supplies of Provi-
sions which I hourly expect; I am encouraged, upon the In-
telligence I have gained since my arrival here, that with our
Naval Force, and the assistance of the Indians, whom I have
picked up in my Passage thro' the Country of the five Nations,
and the Albany men, whom I hired to go with me, as a Scout-
ing Party of Guards (both which may Amount to 140 Men)
I say I am encouraged, Sir, to hope that we may proceed
upon Action in a very few days, and that a foundation will be
laid this year for such a Campaign the next, as I flatter my
self (provided the Colonies shall then exert a proper Spirit)
may Secure all points in dispute between us and the French

As a Meeting of Commissioners from all the Colonies as far Westward as Virginia inclusive, with me to be appointed by Acts of Assembly, in the Month of October or November, in order to consult upon the most proper Measures to be taken for the general Interest of the Common Cause, the next Spring, may have a good Effect for his Majestys Service, I mention it to your Excellency for your Consideration and shall do the same to the Other Gov^{ts} in a Circular Letter: if such a Convention shall be thought Advisable, I would propose New York for the Place of meeting, and the 15th of November the time for it, as I shall be there in my Return to Boston, where I must be present early in December

Lib. J. R.
& U. S.

p. 63

As I think a very early Campaigne the next year necessary, I have Sent orders to Col Dunbar the Commanding officer of his Majestys two British Regiments and two Independent Companies of New York to March those Troops directly to Albany, where I design their Winter Quarters shall be, and to leave at this Place as many of the Troops now with me as can be Supported during the Winter, that they may be Assembled ready to Act either Seperately or in conjunction with such Provincial Troops as the Colonies shall think fit to raise ag^t the French Settlements either upon the Lakes & Ohio; which last Place is very accessible thrô that Route, or ag^t any part of Canada, as his Majestys Service and the General Interest of the Colonies may most require.

The first thought of having a Meeting with Commissioners from the Colonies was Suggested to me from the inclosed Extract.

As Col Dunbars and the late Sir Peter Halkets Regim^{ts} have been greatly reduced by the Defeat of the late Major General Braddock in their March to the Ohio for the Protection and Service of the Several Colonies of Pensilvania, Maryland & Virginia in Particular; and his Majestys Service and their further Protection require that those Regiments should be Compleated to 1000 Men each by the begining of the Spring I can't but hope that the three before mentioned Governm^{ts} will readily make grants for Supplying Col Dunbar & L^t Col Gage with levy Money for that Purpose; and that your Honour will be pleas'd to Recommend it in the Strongest Terms to the Assembly within Your own Government. I have wrote to Gov^r Morris & Gov^r Dinwiddie to the same Effect. I am with Great Regard

S^r Your Honours Most Humble & Most Obed^t
Serv^t W. Shirley

Lib. J. R.
& U. S.

Hon^{ble} Horatio Sharpe Esq^r

Extract of an account of the proceedings of the New Jersey Assembly drawn up, at the request of the Governor De Lancy by M^r Alexander a Member of his Majestys Council for the Provinces of New York & New Jersey & communicated to Major General Shirley by the Governor—

p. 64 Sundrys of the Assembly heartily wish that a Congress of Commissioners should meet with Major General Shirley at Albany or where else he would be pleased to appoint in October or November next, to Agree on the further necessary Supplies & Forces for next year, that should be provided in the Winter, so that all might be at the Place of Rendezvous by the first of the Spring, that the Commissioners should be appointed by Acts of the Several Legislatures, but as they are one of the Smallest Colonies they durst not take upon them to begin a proportion for that purpose but will most readilly follow the Example of the other Greater Colonies as far as their Abilities can go. Which being read his Excellency desires the Advice of this Board whether It may be necessary now to call the Assembly who are of Opinion it is not.

The present State of Our People upon the Frontiers in Frederick County being taken into Consideration and the following Letter prepared It is the humble Advice of this Board to his Excellency that he be pleased to Send the same to the commanding Officers of the Militia in Frederick Prince Georges, Baltimore, Cecil Ann Arundel, Calvert, Charles & St Marys Counties.

Sir

Whereas it is absolutely necessary for us to Send a considerable Body of Armed Men to the Frontiers of Frederick County immediately to prevent the farther Incursions of the Enemy who have within a few Days cut off many of the Inhabitants and ravaged a great part of that County: you are hereby directed and required to send from the Militia under your Command to Frederick Town a Party of Men consisting of any Number more than Twenty nine under the Command of one Subaltern officer unless a Captain shall voluntarily offer his Service and in such Case you are to appoint one Subaltern under him. I flatter myself that as their Country calls for their Service, Enough will be found among the Militia of your County that will voluntarily Compose the Party that is required of you, but should I be unhappily disappointed in such hopes you are to draft them by Lot or otherwise as you shall judge best. Every Person should take

at least one Blankett with him and cloaths Enough to Serve him for a Month from his Arrival on the Frontiers together with Provisions for himself till he shall reach Frederick Town where he will be Supplied out of a Magazine. Those who have Arms & Ammunition wou'd do well in taking both with them and those who want shall be Supplied at Frederick Town All that I have farther to recommend to them is to let no time be lost as the situation of Affairs requires the utmost Dispatch. As soon as you Send me Advice of what is done and what Number of Men is Marched or Ready to March in pursuance of these Orders I shall send the Commanding Officer of the Party further Instructions for his Conduct

Lib. J. R.
& U. S.

I am S^r

Your very humble Serv^t

H S.

P. S. Drafts from the Militia in Eight Counties are Ordered to March to the Frontiers as soon as Possible

Ordered that the Clerk of this Board draw an Order on the Hon^{ble} Col Charles Hammond Treasurer of the Western Shoar Payable to M^r Henry Walls or Order for Twenty five pounds Sterling being his Yearly Salary as Armourer of this Province ending the 29th September last to be paid out of the Money raised from the duty of three pence p hogshead for Arms.

At a Council held at the City of Annapolis on Thursday the 23^d day of October in the fifth year of his Lordships Dominion Annoque Domini 1755—

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable	{	Benjamin Tasker Esq ^r	{	Col Benjamin Tasker
		Col Charles Hammond		Benedict Calvert Esq ^r
		Philip Thomas Esq ^r		Col William Goldsborough

His Excellency is pleased to lay before this Board a Report made to him by John Brice Esq^r one of the Judges of Assize for the Western Shoar of his having passed Sentence of Death at S^t Marys County upon Negro Harry the Slave of Philip Key the younger & Negro Cork, the Slave of Philip Key Esq^r for Feloniously consulting, advising, conspiring and Attempting to Poison a Certain John Key, and also at Prince Georges County upon Negro Thomas the Slave of John Prather for Feloniously consulting, advising and con-

Lib. J. R. spiring & Attempting to Poison a Certain Richard Duckett
& U. S. the younger Ordered that Negro Harry the Slave of Philip Key the younger be hung at Choptico on Friday the last day of this Instant October and afterwards to be hung in Chains at the same Place And that Negro Cork the Slave of Philip Key Esq^r be hung at Choptico on Wednesday the Twelfth day of November next and afterwards to be hung in Chains at Budds Creek in the said County of S^t Marys, and that Pardon issue to Negro Thomas the Slave of John Prather af^d

Ordered that the following Letters Received by his Excellency be Entered

Sir

In order to Consider upon the Subject of M^r Ross's Letter by your Excellencys direction Sent us relating to the Conduct of the Roman Catholicks and Negroes in this County We lately appointed a meeting at the Court house and Endeavoured to inform Ourselves so as to be able to Send your Excellency an Answer with some exactness.

We cannot find that the Roman Catholicks in this County have given any Cause of Complaint or Shewn any Signs of Satisfaction at the late unfortunate Defeat of the brave General Braddock

Whether it has been from principals of Prudence or Policy We cannot pronounce, But their behaviour here as
p. 66 far as has come to our Knowledge hath been without offence.

About three or four Months ago one M^r Ellis a Priest who lived at New Town in this County went from thence in order to go as it was said to Settle at a Danish Island in the West Indies and has never Since Returned and We know of no other Priest who has lately lived among Us who has been Absent from his Residence nor do we know of any unlawful Meetings of Negroes.

We are not yet informed who have been the Authors of those Reports mentioned in your Excellencys Letter which have been in some Places so industriously spread, If we should Discover them we should take Proper Measures for their being brought to Justice as Enemies to their Countrys Peace and friends to a faction who labour to foment animosities amongst Us to the Endangering our Common Security. We are with the greatest regard

Sir Y^r Excellencys mo: Obed^t Serv^{ts}

Philip Key, Tho: Aisquith, Jn^o Bond,
Zach Bond, R Barnhouse, I Hill
H W Williams, Tho^s Greenfield.

To His Excellency Horatio Sharpe }
Esq^r Governor of Maryland }

Charles County Oct. 21st 1755. Lib. J. R.
& U. S.

May it please Your Ex^{cy} & Hon^{rs}

Your Pleasure touching the Reports of the tumultuous Meetings & Cabaling of Negroes, the Misbehaviour of the Roman Catholicks in some Countys and the absence of some of the Priests in this Province Intimated to you, was Signified to us (Justices of the County af^d) by Letter from M^r Ross on the 15th of August last As the foundation of such Reports did not fall within our Notice as Magistrates of this County, We have with Patience & Circumspection in our Several Neighbourhoods, waited to see if time would produce any Cause or Information to any of us of any such Matters Suggested to your Excellency & honours; but as nothing of that Sort has happened here or Come to any of our knowledges, we presume such Reports must be without foundation, as to any in this County.

The Duty we owe to his Majesty & this Government, as Magistrates the Requisites your Excellency and honours have been Pleased to Charge us with, and such as from time to time you may Judge proper to intimate We hope will have their proper weight in our future Conduct, and ever be regarded with the utmost Deference by

Your Excellencys & Honours mos: Obed^t Humble Serv^{ts}
Gustavus Brown, Allen Davis, R^d Harrison
Rob^t Yates, Arthur Lee Ja^s Nivison
Sam: Hanson, Willi^m Eilbeck, Walter Hanson

Ordered that the Clerk of this Board write the following Letter to the Justices of Ann Arundel, Baltimore, Calvert Prince Georges, Frederick, Cecil, Kent, Dorchester, Worcester, Somerset, Queen Anns and Talbot Counties.

Gentlemen

p. 67

By Order of the Governor & Council of the 15th of August last I wrote to you in Relation to Some Reports being Spread of the tumultuous Meetings & Caballing of Negroes in your County, the Misbehaviour of Some Roman Catholicks, and the absence of some of the Priests from their Places of Abode, I am now directed by the said Board to acquaint you they are desirous to know what Proceedings have been had, and what has been done upon the aforementioned Letter that if it appears necessary proper Care may be taken for the Security of his Majestys faithful Subjects here.

His Excellency is Pleased to ask the Opinion of this Board Whether the Assembly should be now called or not. Resolved in the Negative

Lib. J. R.
& U. S.

Ordered that the following Instructions be here Entered
To Captain

Whereas the late Incursions of Indians into this Province and the Ravages they have Committed in Frederick County makes it absolutely necessary for us to Send a Body of Armed Men to the Western Frontiers for the future Security and Protection of the Inhabitants: You are hereby Comissioned & Ordered with Men of the Militia of your County under your Command to march out to the extreme Limits of this Province, Fort Cumberland, Col. Cresap's or as far westward as you shall think expedient, and Act offensively against the Enemy that has done such Mischief and Still infests our Borders. On your arrival at Frederick Town you are to Shew this your Commission & Instructions to M^r James Dickson who will thereupon furnish you with a Sufficient Quantity of Provisions to subsist yourself and party for five days or if you shall desire it for a longer time for which you are to pass your Receipt as you are also to do for any Arms or Ammunition that he shall also Supply you with. On your Arrival at the Mouth of Conegokee you are to apply to M^r George Ross for enough Provisions to Subsist your party Eight days or till they can reach Colonel Cresaps who has Orders to furnish you with farther Supplies during your Stay in that distant part of the Province which will be a Month from the day you arrive there, if Col Cresap shall think your Stay for so long a time expedient and necessary. In case the Garrison of Fort Cumberland be much reduced and weakened you are to offer your Service to the Commandant thereof and Obey his Orders during your Stay there and while he Supplies your party with Provisions but if the Garrison wants no Reinforcement you are to dispose of yourself and party in the best manner you can to Protect the Inhabitants & annoy the Enemy, and I would have you Advise with Colonel Cresap how either can be most easily effected for the encouragement of such as will March under your Command I have Promised the Party or Person that

p. 68 shall take an Enemy Alive and deliver him at Stoddarts Fort Six pounds Currency, and the party or Person that shall kill an Enemy or Produce Witnesses of such Fact or the Enemys Scalp in Testimony will be rewarded with the Sum of four pounds. I recommend to you to take especial Care that your Party behave orderly and on no account plunder or Maletreat the Inhabitants, And desire you will as often as you have opportunity advise me of your proceedings and Intentions by Letter and at your Return bring or Send me a particular Journal of your proceedings from the Day you march to the

time you Return home Given at Annapolis this 18th day of October 1755

Lib. J. R.
& U. S.

Hor^o Sharpe.

At a Council held at the City of Annapolis on Thursday the 30th day of October in the fifth year of his Lordships Dominion Annoque Domini 1755.

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r } Col Benjamin Tasker
honourable { Col Edward Lloyd } Benedict Calvert Esq^r

His Excellency is pleased to lay before this Board the following Letter received by Col Lloyd from the Locust Neck Indians—

Dorchester County October 18th 1755.

Sir

Your honour We hope has not forgot Our Petition to his Excellency Governor Sharpe Esq^r when in Our County in which we Complained of Sundry White People, the Chief of whom was Philemon Lecompte Thomas Hunt and Thomas Owens, Lecompte was Complained against for Cutting and Selling Our Timber of which he has made such Clean work he is obliged to Leave off having Cut all within his reach that will either make Boards or Staves, and that is not all for Living but a little way from our Town and is of such an Envious Spirit that he will not Suffer those honest and Quiet People who Live on our Land and pay us Rent to be in Peace to our great hurt and Damage it being all or the Greatest Benefit we can Receive from our Land.

Thomas Hunt has Lived on our Land near fifteen or Twenty years the man is Peacable but Dishonest in which Long time we have got little or nothing to our Advantage. Thomas Owens is a man Naturally Idle and Dishonest, being nearly Allied to Lecompte having Married his Daughter by whose means he got in Possession of Our Land has been upheld by him in holding the same and not paying us our Rent. this is the Seventh year which he has Lived on our lands in which time his Rents has Amounted to 32:10 of which he has made some Stragling Payments so that there remains 17:10 Due to us without the least hopes of its ever being Less who being very Idle and much in Debt is by the officers and other Creditors Stript of all he has by which means We remain without Remedy and altho we have Sundry times in the presence of Several White men Demanded

Lib. J. R. Possession he still holds our Plantation not only to our
 & U. S. Damage but Several of our Neighbours the White People
 have Suffered the Loss and Damage of their Stocks both of
 p. 69 their Horses Cattle and hogs by which the White are very
 angry with us, The Widow Tripe whose Land joins to Us
 has made a Plantation & having two Tenants within our
 reputed Bounds and holds them as their own Thus Sir our
 Miseries Encreases, Hunting Decays our Credit Low and We
 Reduced to a very few in Number and they Chiefly old
 Crippld or Sickley Scarce being able to Support Life We are
 in a Bad Case. however could we Recover our Rents already
 due and turn off those knavish People and put honest &
 Industrious People we might then Receive the Comfortable
 Benefits thereof to the Relief of our necessity for which
 purpose we Resolve to Act with more Caution. We have no
 Law at least if there is we are Ignorant, we have no hope but
 in the Government to which purpose we beg your Assistance
 hoping you will Extend your Interest and Charity in our
 behalf. This Sir is the Amount of our former Petition and
 this is the Request of

Your Most Obed^t & Most humble Servants

his	his
Hopping + Sam	Abraham 4 Bishop
mark	mark

his	
Thomas T Bishop	James Cohonk
mark	

Indian Chiefs of Locust Neck

To the honb^{le} Edward Lloyd Esq^r

Ordered that the Attorney General Exhibit an Information
 against such Persons as are Complained against, by the
 Locust Neck Indians for Trespassing and Committing Waste
 on the Lands Claimed by the said Indians.

27th December 1755.

Ordered by his Excellency the Governor that the present
 General Assembly of this Province which stands prorogued
 to the first day of January next be further prorogued to
 the Twentieth day of February next & Proclamations issued
 accordingly.

At a Council held at the City of Annapolis on Tuesday the 29th day of December in the fifth year of his Lordships Dominion Annoque Domini 1755. Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable, Benjamin Tasker Esq^r Col Benjamin Tasker, Benedict Calvert Esq^r

Ordered that the following Letters Received by his Excellency be Entered

May it Please your Excellency and Honours.

We have received a Letter from M^r Ross Clerk of your honourable Board intimating that it has been reported that there have been lately some Tumultuous meetings and cabalings amongst the Negroes in some parts of this Province and that Persons of the Roman Catholick Persuasion have misbehaved in such a manner in some Countys as to give his Majestys Loyal Subjects Cause to fear an Insurrection desiring us to enquire and learn what foundation there is or what Cause has been given in our County to such Reports and if upon Examination there should Appear to have been Sufficient Cause given either by Papists Negroes or others for such Reports to Cause the offenders to be apprehended and either committ them to the Sheriffs Custody or oblige them to give Good Security for their appearance at the next Assizes and in the mean time to Advise your Excellency thereof, but if upon Examination had it should appear to us that such Rumours or Reports tending so much to the disquiet of his Majestys Subjects in this Province are intirely Groundless and without foundation we should then bind over to the next Assizes as disturbers of the Publick Peace whoever should Appear to be the Authors of such Rumours or to have industriously propagated such falsehoods Also that it has been intimated that some Roman Catholick Priests of this Province have been lately Absent from their usual Places of Residence a Considerable time desiring us to enquire if any Priest from our County has been so Absent and if it should by the Affidavit of any Evidence appear to us to have been the Case We should Summon such Priest before Us and if he should not give a very Satisfactory Account of himself and where he has been during his absence from home we should commit him to the Sheriffs Custody unless he should give good Security for his immediate Appearance before your Excellency & Honours whom we were instantly to Advise what we had done respecting such Priest and inform you

Lib. J. R. of whatever has Come to our knowledge concerning his
& U. S. Absence or Misbehaviour

In Obedience to the Commands of your Excellency & Honours We beg leave to Represent That we know not of any Tumultuous Meetings or Caballings amongst the Negroes in our County more than usual; for the Constables of the Several hundreds are directed by an Act of Assembly to prevent and suppress the Same for which they have an allowance every November and we have always been Particularly careful in Satisfying ourselves that the Several Constables have discharged that part of their Duty

We also beg leave to Represent that we do not know in our County of any Person or Persons of the Roman Catholick persuasion having misbehaved themselves in any manner so as to give any Grounds whatever to any of his Majestys Loyal Subjects to fear an Insurrection nor do We know of any Roman Catholick Priests who are residents in our County nor has any Information been made by any Person whatever to our Court, nor Come to our knowledge as private Men relating to the foregoing Particulars we are directed to enquire into.

Therefore We beg leave to Represent to your Excellency and Honours that in Our County there does not Appear to be the least foundation for such Rumours and Reports as tend so much to the Disquiet of his Majestys Subjects in this Province And we wish the Authors of such Rumours and falsehoods Punished as Disturbers of the Publick Peace
Nov^r 17th 1755. We are

Your Excellency and Honours Most Obedient & most
Hble Serv^{ts}

Monat, Alex^r Warfield, Wm Chapman, Tho^s Jennings
Henry Hall jun. Jn^o Iams, Henry Howard, Ephraim Howard

Sir

p. 71 The Justices of Kent County Court having received a Letter from you by direction of the Governor and Council Informing them that Reports had been Spread that in this County had been tumultuous Meetings & Caballings of Negroes, that the Roman Catholicks had misbehaved and that some of their Priests had been absent Our County Court hereupon have made diligent enquiry into these Particular facts and do not find that there have been any tumultuous Meetings or Caballings of Negroes or that the Roman Catholicks in this County have misbehaved, as to Priests of that Persuasion we do not know of any who reside in this County

and are Ignorant if any whose residence are in other Countys have been absent from the Places of their abode. We have made Strict enquiry by Our Constables of the Number of profest Papists within this County and by their returns do find the Number of Persons of that Persuasion to be forty three Males and Eight Females and few of these People of Property but Chiefly of the meaner Class, These things Sir Our Court have desired me to inform you in order to be laid before his Excellency and the honourable Board I am

Lib. J. R.
& U. S.

Sir Y^r very humble Servant

Chester Nov^r 24th 1755.

L. Hands.

Sir

We have since the Receipt of yours made Strict enquiry in relation to the Tumultuous meetings and Caballings among the Negroes (within this County) and also in respect to the behaviour of the Roman Catholicks which are very few here, and upon the Strictest Enquiry find such Reports to be Groundless and without foundation, as to this County, for that there has been no such meetings & Caballings among the Negroes neither has those Persons of the Roman Catholick Persuasion in any manner (as we can learn) misbehaved themselves, and as for Romish Priests there is not any that we know or hear of that reside within this County and Are Y^r Most Humble Servants John Henry, Jn^o Scarborough, Adam Spence, Jos^a Mitchell John Evans, Jo^s Dickinson, Tho^s Handy, John Laws.

Worcester County 8th Nov. 1755.

Sir

In Answer to yours from the honourable Council Board dated Aug^t 15th Ult We Certifie that upon the Strictest Enquiry into the matters therein to Us recommended, We find that there is not any Popish Priest resident amongst us and but very few Papists and they by all Accounts Peaceable and of good behaviour nor have We any Information of any Tumultuous Meetings or Caballings of Negroes but that in every Respect his Lordships Peace is well kept in this County of Calvert

Signed p Order of Court

W Ireland Cll Com. Cal. Co.

Decem. 3^d 1755 Sedente Curia

Lib. J. R.
& U. S. Sir

Talbot County Nov. 12th 1755.

We have made the enquirys mentioned in your Letter of the 15th August last and do not find there has been any tumultuous Meetings or Caballings of Negroes within this County nor do We find that any Persons of the Roman Catholick Persuasion here have misbehaved in such a manner, as to give his Majestys Loyal Subjects just Cause to fear an Insurrection. There is not any Roman Catholick Priest or Jesuit at this time (nor has been for many years last past) residing in this County. Be pleased to communicate this to the Governor & Council We are

S^r Y^r Humble Servants

Risdⁿ Bozman, James Edge, Mat Tilghman, J Goldsborough
W. Thomas, Rob^t Goldsborough, Trist^m Thomas, James
Lloyd.

p. 72 May it please His Excellency the Governor & Council

This Acknowledges the Receipt of both your Letters, as well that of the 15th of August as the other of October the 28th and we beg leave to assure your Excellency and Honours that nothing prevented our giving an answer to your first but that we Imagined as those things Recommended by your Excellency and Honours for our enquiry, being intirely false and Groundless, so we apprehended that no further Notice was necessary; We therefore humbly hope that this will Sufficiently Excuse and Apologise for our not doing it Sooner. We beg leave to Assure your Excellency and Honours, that there are not the least Grounds that we know of to Suspect either Negroes or Papists of any ill designs against the Government, and indeed we conceive it almost needless to mention the latter as his Excellency has their Numbers Returned to him taken by the Several Constables in the County by which it will Appear that they are so inconsiderable as to fear nothing from them and to do Justice to the few amongst Us we have not observed them to behave Otherwise than good and dutiful Subjects. As to the Roman Catholick Priests mentioned by your Excellency and Honours leaving their Habitations We beg leave to return for Answer that We don't know, nor never heard of any of them residing in this County We also Conceive that the Rumours and Reports mentioned by your Excellency and Honours, tending to the disquiet of his Majestys Subjects are intirely false and Groundless, but have not yet discovered the Authors of them, when ever we do, we assure your Excellency and Honours that We will Comply with every part of your Instructions, as

well in relation to these, as all others Concerned in disturbing the Public Quiet, We are with all due regard. Lib. J. R.
& U. S.

Your Excellency's & Honours most Obedient Humble
Servants

Nath Wickham, Wm Griffith, Jn^o Rawlins, Jos: Wood
David Lynn Jos: Smith. Charles Jones.

Justices of Frederick County

21st November 1755

Sir

Pursuant to the Governor and Councils Directions to the Justices of Somerset County Court of the fifteenth of August last they the said Justices called the Several Constables of the Several hundreds in the County af^d before them in Court Judicially Sitting and gave in Charge to the said Constables that by all ways and means they should Suppress the tumultuous Meetings and Caballings of Negroes in the several Hundreds if any. Likewise the said Justices made Strict inquiry into the behaviour of those Persons of the Roman Catholick persuasion Residing in the County of Somerset and the said justices found upon Examination that there has not been any Misbehaviour by any of them or if any of them has misbehaved themselves Either in Action or speaking disrespectful words of the Present Establishment it has not yet come to the knowledge of the said Justices. Likewise the said Justices made Strict Enquiry whether there was any Roman Catholick Priests that Resided in the County of Somerset & Whether they have been Absent from their Several Places of Abode, but the said Justices find upon Examination that there is not any Romish Priest that has any Place of Residence within the County of Somerset af^d

By Order of Somerset County Court

15 Novem^r 1755. Thomas Hayward Ju Cl Co Co P S.

May it please your Excellency & Honours.

By Order of the justices of Dorchester County in Answer to your Letters of the 15th August and 23^d October, I am to acquaint you that upon inquiry they have not heard of any tumultuous Meetings of Negroes nor of the Misbehaviour of any Roman Catholicks, nor that ever a Romish Priest resided in this County neither do they know that any Person or Persons within the same have been Authors of such Reports as your Letters mention

I am

May it please your Excellency & Honours

Most Obedient & Humble Servant

Dorchester County

Jn^o Caile Clk D C.

November 20th 1755

Lib. J. R. His Excellency is pleased to lay before this Board a Report
& U. S. made him by the Justices appointed by Special Commission
p. 73 for the Tryal of some Negroes in St Marys County for
breaking open M^r Edens Store house and Stealing from
thence Sundry Goods, whereby it appears they had passed
Sentence of Death upon Negro Joe for the said offence It
is ordered that Dead Warrant issue for the said Negro Joe.

His Excellency is Pleased to lay before this Board a Re-
port made him by the Justices of Talbot County Court of
their having Passed Sentence of Death on a Certain Negroe
Harry a boy about Twelve years old the Slave of David
Robinson, for Burglary It is the Advice of this Board to his
Excellency that he be pleased to Order a Pardon for the said
Negro Harry, and Pardon issued accordingly

At a Council held at the City of Annapolis on Friday the
9th day of January in the fifth year of his Lordships Domin-
ion Annoque Domini 1756.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable	{	Benjamin Tasker Esq ^r	}	Col Benjamin Tasker
		Col Charles Hammond		Benedict Calvert Esq ^r
		Philip Thomas Esq ^r		Col William Goldsbor-
		Col Edward Lloyd		ough

His Excellency is pleased to lay before this Board the fol-
lowing Letters

New York December 30th 1755

Sir

Being ordered by his Majesty in his Instructions to me as
Commander in Chief of the Forces in North America not
only to Cultivate the best Harmony and Friendship possible
with the several Governors of his Colonies upon this Conti-
nent but likewise with the Chiefs of the Indian Tribes and
for the better Improvement of his Good Correspondence with
the said Indian Tribes to find out some fit & Proper Person
agreeable to the Southern Indians to be Sent to them for
this Purpose, and to Endeavour to engage them to Act with
his Forces in such operations as I shall think most Expedi-
ent: I think I can't better Answer his Royal Intention,
especially at this time of General Incursions of the Indians
into his Western Frontiers, than by recommending the In-
closed Plan to your Honour which if unanimously Executed
by the Several Governments concerned, I can't but Conceive
Strong hopes may provide in the most effectual manner for

their mutual Security against the Hostile Attempts of the Southern Indians upon them & creating a Dependency of those Nations upon his Majesty. Lib. J. R.
& U. S.

If your Honour can Suggest to me any Amendment of this Plan or other Measures for compassing this great Object, I shall very gladly do all the Service I can in promoting them.

I have at the same time likewise Endeavoured to Induce the Indians of the Six Nations to join with us in putting a Stop to the Devastations of the Shawonese, Delaware, Susquehana, and other Southern Nations within his Majestys Western Colonies either by their Good offices & Authority over them or if those should prove ineffectual by taking up the Hatchet against them.

Inclosed I send your Honour a Copy of the Minutes of a Council of War composed of Governors and Field officers according to his Majestys Instructions held at this Place the 12th and 13th Instant upon the operations of the next years Campaigne, at which your Honour assisted, I doubt not but you will recommend to the Assembly within your Government in the Strongest Terms to Contribute their Just Quota by Men and Money towards carrying so Salutary a Plan into Execution; which if done with Vigour and in its proper Season, they must be Sensible will lay the most lasting foundation for the future Safety and Tranquility of their Province and I can't but hope that the Outrages and Devastations lately committed by the Enemy more or less within all his Majestys Western Colonies will Convince the Assembly of Maryland how essential it is for the welfare of his Majestys Subjects within their Province that they should heartily join in the Execution of this Plan which your Honour will be Pleased to Communicate either in part or in the whole as your Honour shall judge Proper and how loudly their Duty to their King and Country calls upon them to do it. p. 74

Upon this occasion I cant but hope that the Province under your Honours Government will consider how deeply it is Interested in the event of the next years Campaign

I will not omit returning your Honour my thanks for the Journy you took from Annapolis at so late a Season of the year, and long attendance at this Place upon his Majestys Service: and acknowledging my obligations to you for the great assistance I have had in my Consultations with you upon the most Essential and difficult points of it; which hath put it into my power to promote it further than I am perswaded I should have been able to have done without it

I beg leave to assure you, Sir, that I shall ever esteem it an happiness and Honour to me to maintain the Closest Cor-

Lib. J. R. response with you in the future Course of his Majestys
& U. S. Service, and to give you proofs with what an unfeigned
Esteem and regard. I am

S^r Your Honours Most Humble & Most Obedient Servant
W Shirley

P. S. Inclosed are the Proportions according to the Plan Settled by the Commissioners at Albany; which tho not perfectly Equal, are the only ones than can be made use of untill more exact can be formed; which cant be done in time for the Present purpose. All inequalitys must be Equitably Adjusted, and afterwards Set right upon the first Opportunity of doing it

Your Honour must be Sensible that the Success of the next years operations depends upon an early Campaigne

I must desire your Honour to prevail on your Assembly to raise their Inclosed Proportion of 1000 men towards the Expedition against Crown Point in the first place, before you recomend to them to Raise their proportion towards the Expedition against Du Quesne

Proportions of the 10,000 Men proposed to be rais'd for the Crown Point Expedition according to the Plan Settled by the Commissioners at Albany.

Maryland	1,000
Virginia	1,750
Pensilvania	1,500
New Jerseys	750
New York	1,000
Rhode Island	500
Conecticut	1,250
New Hampshire	500
Massachusetts	1,750
	<hr/>
	10,000

p. 75 At a Council of War held by his Excellency William Shirley Esq^r General and Commander in Chief of all his Majestys Forces in North America at New York on Friday the 12th Day of December 1755—

Present

His Excellency William Shirley Esq^r General &c.

His Excellency Sir Charles Hardy Kn^t Governor & Commander in Chief of the Province of New York

The Honb^{le} Horatio Sharpe Lieu^t Governor & Commander in Chief of the Province of Maryland

The Honb^{le} Robert Hunter Morris Lieu^t Governor and Com- Lib. J. R.
mander in Chief of the Province of Pensilvania & U. S.

The Honb^{le} Thomas Fitch Governor & Commander in Chief
of the Colony of Connecticutt

Colonel Thomas Dunbar

Major Charles Craven

Sir John S^t Clair Quarter Master General

Major Thomas Kinneer

Major John Rutherford.

The General's Commission being read together with part of a Letter to him dated the 28th of last August from the R^t Honb^{le} Sir Thomas Robinson one of his Majestys Principal Secretaries of State, and part of his Majestys Seventh Instruction to the late General Braddock; Several Points of Rank, which were Moved by some of the Members of the Council were Settled, after which his Excellency Adjourned the Council to the next day at 9 O'Clock in the forenoon

Saturday December 13th 1755

The Council met according to Adjournment

Present as before together with Col Peter Schuyler.

His Excellency acquainted the Council that he had Convened them to give their Opinion and Advice upon a Plan of operations which he proposes for the next years Campaign, in order to effect the Several Services he is directed by his Majestys Instructions to Carry into execution: That in order to inform them fully of the State of those Services, it was necessary for him to acquaint them that in his Majestys said Instructions it is Discovered,

1st That whereas the French would in all probability, endeavour to Reinforce the Several Posts they have on the River Ohio, and on the Lakes to the Westward of it, by sending Troops up the River Mississippi, it was his Royal will and Pleasure, that as the season would Allow Troops to take the field much sooner in the Southern Parts, than in any other parts of his Colonies he should begin his Operations there as Soon as the Weather would permit, and was therefore Ordered to divide the Troops under his Command to be carried up the River Patomack as high as Wills's Creek in order to proceed to Fort Duquesne

2^{dly} That as Soon as the late General should have been Able to drive the French from their Posts upon the Ohio he should take proper Measures for Erecting a Good & Sufficient Fort on the most Convenient pass upon the said River and to leave a Strong Garrison Consisting of the three Independant Companys then in Virginia Sustained by such a

Lib. J. R. Part of the whole of the Provincial Troops as he should find
 & U. S. necessary to Defend the same, and to Protect the Indians in
 p. 76 those Parts as well as the Settlements which had been broke
 up.

3^{dly} That the next Service which his Majesty directs, & declares to be of the greatest Importance and therefore to Demand the utmost Care, and Attention, is the Dislodging the French from the Forts they have at the Falls & Passes of the Niagara, and the Erecting such a Fort there as shall for the future make his Majestys Subjects Masters of the Lake Ontario and that if for this purpose the said late General Braddock to have Ships upon the said Lake Ontario, he should Concert with the Commander in Chief of his Majestys Ships and the Governors of New England and New York the manner and means of Building & Manning such vessels as shall be most proper for that Service

4^{thly} That it is in the said Instructions Declared to be his Majestys further Will and Pleasure, that in order to Accelerate the Execution of so Sallutary an undertaking the said General Braddock should in Case the Regiments intended to be raised by Governor Shirley and Sir William Pepperal should be ready to Act befor the French could be drove from their Posts on the Ohio, to employ the said two Regiments in the immediate Reduction of Niagara and Crown Point

5^{thly} That in Case the said two Regiments of Shirley and Pepperals should not be Raised and ready to Act till the time that the Service on the Ohio should be finished It is declared to be his Majestys Will and Pleasure that if then the said General Braddock should find it necessary to March his whole Force to make himself Master of the Posts before mentioned at Niagara he should take the most prudent means of Joining his said Force with the British Batalions to Effect that most Essential and Necessary Service

6^{thly} That if the said General Braddock should find that the two British Regiments would be Sufficient for performing the Service at Niagara he might then employ the two American Regiments at the Same time in Disposessing the French from their Posts at Crown Point on the Lake Champlain, which was the next point he was to Endeavour to gain, But that no Possitive Instructions should be given him on this head as he could only Judge thereafter whether such a Seperate Operation could be undertaken at the same time, that he was making himself Master of the most Material one at Niagara, however that after he should have Possessed himself of the Niagara Forts and should have Opened a Safe Communication betwixt that and Oswego it was his

Majestys Will and Pleasure, that the next Service he should proceed upon should be, Lib. J. R.
& U. S.

7^{thly} The Reduction of the Fort at Crown Point and Erecting another upon the Lake Champlain, in such place as he should find most Effectual for Bridling the French Indians in those parts and for Securing and protecting the Neighbouring Colonies

His Excellency thereupon observed to the Council that the Reasons Assigned in his Majestys Instructions for Ordering General Braddock to begin his operations upon the Ohio Seems to be principally founded on Some Information which had been given that the Support of the French Forts and Settlements upon the Missisippe

His Excellency the General then acquainted the Council that none of the Attempts made for Effecting the before-mentioned Services in the last Summer had been Carried into Execution but these Several before mentioned Parts of the Expedition Ordered by his Majesty Remained to be Executed in the Ensuing Spring. p. 77

His Excellency then observed to the Council that the only Practicable Entrance which his Majestys Subjects have into the Lake Ontario is at Oswego thro the River Onondago which is the only Harbour fit to Receive Vessels of any force that his Majesty hath upon that Lake and that Oswego is Situated in the Country of the Onondaggas, which lies in the Middle of that Inhabited by the Six Nations and is the only Trading house the English have for Carrying on a Commerce & Corrispondents with the Western Indians: That the only practicable Enterance the French have into the same Lake is thro the River by them at first called the River Iroquois, but in Some of their late Maps, the River St Lawrence, and near Fort Frontinac, which is Situated on the North East Edge of that Lake and about 50 Miles distant from & nearly oposite to Oswego, that whilst the French are in Possession of that Fort and the Harbour there with a free Passage into the Lake thro the River Iroquois together with their Harbour at Fronto, on the Lake, they will have it in their Power to build & Maintain Vessels of Force upon the Lake, which, unless his Majesty shall keep up at least an Equal Naval Force there, may not only Greatly Annoy any Fort which should be Erected by his Majestys Subjects at the North East End of the Pass, at Niagara, but endanger the Loss of Oswego, itself to the French, which would inevitably be Attended with the Defection of the Several Castles of the Indians of the Six Nations to the French Interest, in a Short time, and with the Loss of the whole Country as far

Lib. J. R. as Sehenecteday, and very Possibly be soon followed with the
& U. S. Loss of the City of Albany

That from the Best Information he can procure it appears to him that the French Forts and Settlements at Niagara, upon Lake Erie & the Ohio and even as far as Missilimackinack upon the Lake Huron are wholly Supported with Stores and Provisions from Montreal by Water Carriage thro' the River Iroquois and across the Lake Ontario and not from the French Settlements on the Mississippe, which being at near the distance of 2000 Miles from any of them are too Remote to Afford them any Support especially as the Navigation from thence to the French Settlements on the Ohio, is against the Stream and Attended with other difficulties in many Places.

That Consequently the Dislodging the French from Fort Frontenac & their Small Fort at Fronto, and barring up their Entrance into the Lake Ontario, thro' the River Iroquois would Cutt off all their Forts & Settlements upon that and the Other Lakes and the River Ohio from all Support from Canada without which they could not Possibly long Subsist

That therefore his Excellency Proposes the following Plan for the Ensuing year Viz^t

That a Body of 5000 Troops should be assembled at Oswego by the last Week in April, and Fort Frontenac and La Gallette upon the River Oswegatic be Attacked with 4000 of them & in the beginning of May leaving 1000 at Oswego for the Protection of that Place.

p. 78 That after Dislodging the French Troops at Cataraqui & La Gallette they should be employed in Attacking the French Forts and Settlements at Niagara, Presqu' Isle, the River Au Beuf Detroit & Missilimackinac, and to Secure the Several Posts there. That 3000 Troops should at the same time be Marched to Fort Duquesne by Land from Wills's Creek to Attack that Fort.

That Crown Point should be at the Same time Attacked with 6000 Troops, a Fort afterwards built on Lake Champlain and one or more Vessels built to Navigate that Lake and in order to Divide the Force of Canada more Effectually after breaking up all French Settlements upon the River Chaudiere with 2000 Troops about the Same time to make a feint with them on Quebec, at the Mouth of the said River, which is within three Miles Distance of that Metropolis Situate on the Opposite Side of the River St Lawrence

His Excellency then desired the Opinion and Advice of the Council upon every part of the Proposed Plan and particularly whether the Number of Troops Proposed for Carrying

every Part of the said Expedition into Execution at one and the same time was Sufficient, or whether any Less or Greater Number might be Sufficient to Do it. Lib. J. R.
& U. S.

His Excellency then Observed to the Council that if the beforementioned Attempts for the Reduction of the French Forts and Settlements upon the Lake & the Ohio, & Crown Point should not be made at the same time but one of them only Carried on at a time these Dangers would ensue, Viz^t If an Attempt should be made upon the Lake Ontario for the Reduction of the Forts at Cataraqui & Niagara &c. without any against Crown Point the French would either bend the Chief part of the whole Force of Canada to Oppose it, in which Case so large a Body of Troops would be required to encounter it there as would make the Transportation of them & their Stores & Provisions to Oswego, in time almost impracticable or else the French would Muster so Strong a Force against Albany as might take it and by that means Likewise Cutt off all Communication between it and the Forces at Oswego which must Receive its whole Support of Stores and Provisions from thence

On the other hand if an Attempt should be made for the Reduction of Crown Point only and not against Fort Cataraqui, Niagara &c. at the same time Oswego which from the Intelligence gained at that Place appears to be the great Object of the French, would be in danger of being lost to them in Case they should bend their Principal Force against it which Loss would be an irretrievable one to the English, as it would not only be Loss, of the Country as far as Albany together with the Six Nations but give the French the Dominion of the Great Lakes and the whole Southern Country.

His Excellency then acquainted the Council that immediately before his Departure from Oswego as well as Since he has had Received Intelligence that the French are Building at least three large Vessels of Force in the Harbour of Cataraqui which together with those they had already built will be much Superior to those built by us, on the Lake, whereupon he likewise desires the Opinion & Advice of the Council Concerning his Causing more Vessels to be built and of a Larger Force upon the Lake than what his Majesty hath there already and how many such Vessels it is Necessary to have built for gaining the Mastery of that Lake p. 79

The Council after taking the Several Matters into Consideration gave it as their unanimous opinion. 1st That it is most essentially necessary at all to Secure the Navigation of the Lake Ontario, and from the Intelligence the General has Informed them he has already Received of Vessels Building

Lib. J. R. by the Enemy at Fort Frontenac, that at least three Vessels
 & U. S. be built immediately at Oswego of as large a Size & Force
 as the Depth of the Water at the Entrance of the Harbour
 of Oswego will Admitt, and that on any future Intelligence
 of the Enemys encreasing their Naval Force, that the Gen-
 eral should build such and so many more Vessels as he finds
 Necessary for Securing the Mastery of that Lake. 2^{dly} That
 one Expedition be Carried on against Crown Point and an-
 other against the French Settlements on Lake Ontario, &
 that both Armys Rendevouze at their Respective Places of
 Destination as soon as Possible in the Spring

3^{dly} That an Army of 10,000 Men will be Necessary for the
 Expedition against Crown Point

4^{thly} That an Army of 6000 Men at least will be Necessary
 for the Expedition against the French Encroachments on the
 Lake Ontario &c.

5^{thly} That as to the Attempt proposed to be made upon
 Fort Duquesne they are unanimously of opinion that such a
 Measure, would answer very good Purposes, by availing the
 English Forces, of the Assistance of that Part of the South-
 ern Indians which are still in Alliance with them, and pre-
 venting those in Alliance with the French from opposing our
 operations to the Northward, and therefore Advise the Gen-
 eral to recommend it to the Western Governments, to under-
 take an Attempt upon that Fortress and do it in such a man-
 ner as will not in the least interfere with the Expedition
 already agreed on

6^{thly} That as to the feint with 2000 Men against Quebec
 by the way of the River Chaudiere they are unanimously of
 Opinion that it should be carried into Execution, Provided
 it can be done without Prejudice to the other parts of the
 Service already agreed on.

7^{thly} That with regard to the Operations on Lake Ontario
 it was the Opinion & Advice of the Majority of the Council
 that they be begun by the Attack of Cataraqui.

Lastly the Council Considering the Several Services to
 be Carried on in North America are Unanimously of Opinion
 that an Additional Number of Regular Troopes will be neces-
 sary for Effectually Recovering and Securing his Majestys
 Rights & Dominions upon this Continent

W Shirley	Tho ^s Dunbar
Cha ^s Hardy	Peter Schuyler
Hor ^o Sharpe	Cha ^s Craven
Rob ^t H: Morris	John S ^t Clair
	Ja ^s Kinneer
	John Rutherford

a true Copy W^m Alexander Sec^y

By His Excellency Major General William Shirley General Lib. J. R.
and Commander in Chief of his Majestys Forces in North & U. S.
America &c. p. 80

Upon taking into his Consideration the very Great importance of the numerous Nations of Indians in Alliance with his Majestys Southern Colonies, the Advantages that will Accrue to the English in General from their Friendship and the Particular Necessity there is at this time to enter into a Solemn Treaty with them in Order not only to Secure them to the British Interest, so far as [possible] to Prevent them from joining in the Designs of the French but to engage them to Assist his Majestys Subjects in Defending their Frontiers and Annoying their Enemys,

It is Proposed,

1st That a Treaty be held with the Several Tribes of Indians in Alliance with his Majestys Southern Colonies at such time and Place as shall be Agreed on between the Governments of North & South Carolina and Notified by them to the General and to the Other Western Colonies as far north as Pensilvania

2^{dly} That one or more Commissioners should be appointed by each of the Western Provinces from South Carolina to Pensilvania both Inclusive to Carry on that Treaty in behalf of his Majesty & of those Colonys, to be Particularly instructed by their respective Governments for that Purpose

3^{dly} That such Instructions be without Delay transmitted to the General and that he or the Commander in Chief of the Kings Forces for the Time being give such further Instructions to the Commissioners Collective or Seperately as he shall think necessary for his Majestys Service

4^{thly} That the Governments of Virginia and the two Carolinas as soon as Possible Dispatch the Messengers to those Southern Tribes inviting them to a General Treaty in his Majestys Name and in the names of all the said Western Provinces and that the time and Place Agreed on for such Treaty be Particularly mentioned in such invitation

5^{thly} That at such appointed Place Provision be made for the Reception & entertainment of the Indians that may attend the Treaty by the Province wherein such Place is, to be afterwards Reimbursed in Proportion by the other Colonys.

6^{thly} That Money be Provided by the said Western Provinces for defraying the Expence of the Treaty and for providing a Proper Assortment of Goods to be given in Presents to the Indians that shall Attend, and sent into their Countrys to be distributed among those that cannot Personally Assist at the Treaty

Lib. J. R. 7^{thly} That the Commissioners be instructed to engage those
& U. S. Tribes to Assist the English in the present Dispute and to
take up the Hatchett against the French & their Indians and
that they be enabled to Promise English Pay & Provisions,
Arms Ammunition and Indian Cloaths to such of their
Warriors as shall join his Majestys Forces or the Troops
in the Service of any of the Western Provinces, and as to
such of them as shall incline to Attack the French upon the
Ohio, or any of the Indians in their Alliance to Promise them
Certain Rewards for every Prisoner or Scalp they shall bring
in, & to appoint certain Places to which such Scalps or Pris-
oners shall be brought

8^{thly} That proper Persons be appointed by the Commission-
ers to Return with the Indians from the Treaty into their
Own Country if Necessary to Conduct the Warriors to such
Places as shall be Appointed for their Rendezvous where
Stores of Provisions Arms & Ammunition should be Pro-
vided for their use.

p. 81 It is the Opinion of this Board that the Present General
Assembly of this Province which stands Prorogued to the
20th day of February next do then Meet and proceed on
Business and that Notice be given accordingly

At a Council held at the City of Annapolis on Saturday
the 10th day of January in the fifth year of his Lordships
Dominion Annoque Domini 1756.

Present as Yesterday

His Excellency is Pleased to lay before this Board the
following Extract

Extract from the Record of the Proceedings of the Hon-
ourable William Johnson Esq^r with the Confederate Nations
of Indians at the publick Meeting at Mount Johnson in June
and July 1755.

Brother

We have taken into Our Confederacy our Children the
Schanadarighroones and they are desirous you will look upon
them as your Brethren, there are many of them who at
Present live in Maryland and want to come and live near to
Us, that both our Strength and theirs may be increased. We
have Sent for them by Belts of Wampum, but they are not
effectual, for there are three Colonels in Maryland near
whose houses they live who in conjunction with three Chief
Men amongst those Indians who will not let them Come
away. We desire you will interpose & write to those Persons
to let them come away

Gave a String

They named the three Colonels Viz^t Col Scarborough Col Henry and Col Hooper the three Chiefs they also Named Viz^t Jemikakonick in Locust Neck Lame Sam in D^o and Geeko in Pocomoke

Lib. J. R.
& U. S.

A True Copy from the original Records Extracted by me
Peter Wrasall Sec^{ry} &c for Indⁿ Affairs

And the following Letter

Annapolis Decem 31st 1755.

Sir

By the inclosed Extract you will See that the Indians of the six Nations are very desirous that the Indians who Inhabit in your County should go and join and become one People with them, by the same Extract it Appears that they who live near you equally desire to leave their old Habitations and go to the Northward: They have Complained you see that yourself and two other Gentlemen of Maryland have Interfered and hindred them from Complying with the request of the Six Nations which those Nations Express themselves dissatisfied with, and hope all such Obstacles to their Brethrens Migration will be removed, as the Governor Promised at the lat Congress to Advise you of this Matter and Return your Answer to General Johnson as soon as Possible to be by him communicated to the Six Nations, His Excellency hopes you will not neglect to favour him with it by the first Opportunity, and that you will not yourself oppose, & (if you have Influence over them) that you will also endeavour to prevent the three Chiefs opposing the Schanadarrighocnes's Departure

I am S^r

Copy Sent to Col Hooper Your Most humble Servant
Col Scarborough & Col Henry.

I R.

Ordered by the Advise of this Board, upon the Petition of Andrew Banning of Dorchester County School Master that Pardon issue unto him for Shooting & killing a Certain John Flearty of the said County Planter by Misadventure, as by the Coroners Inquest of the said County appears, which Pardon issued accordingly. p. 82

His Excellency is pleased to lay before this Board the following Queries from the Lords Commissioners for Trade and Plantations

Queries relating to his Majestys Plantations on the Continent of America

1st What is the Situation of the Province under your Government, the Nature of the Country Soil and Climate, the

Lib. J. R. Latitudes and Longitudes of the most Considerable Places in
& U. S. it, or the Neighbouring French or Spanish Settlements?
Have those Latitudes and Longitudes been Settled by Good
Observations or only by Common Computation and from
whence are the Longitudes computed.

2^{dly} What are the reputed Boundaries, and are any Parts
thereof Disputed? what Parts & by whom?

3^{dly} What is the Constitution of the Government?

4^{thly} What is the Trade of the Province, the number of
Shipping, their Tonnage and the Number of Seafaring Men
with the Respective Increase or Diminution within ten Years
past?

5. What Quantity & Sorts of British Manufacture do the
Inhabitants Annually take from hence?

6th What Trade has the Province under your Government
with any foreign Plantations, or any part of Europe besides
Great Britain? How is that Trade Carried on? What
Commodities do the People under your Government send to
or Receive from Foreign Plantations?

7th What methods are there used to prevent illegal Trade
and are the Same Effectual?

8. What is the natural Produce of the Country, Staple
Commodities & Manufactures besides Tobacco and what
Value thereof in Sterling Money may you Annually Export.

9th What Mines are there?

10th What is the Number of the Inhabitants, Whites and
Blacks?

11th Are the Inhabitants increased or Decreased within
the last ten years? How much and for what Reasons?

12th What is the Number of the Militia?

13th What Forts and Places of Defence are there within
your Government, & in what Condition?

14th What number of Indians have you, and how are they
inclined?

15th What is the Strength of the Neighbouring Indians?

16th What is the Strength of your neighbouring Europe-
ans French or Spaniards?

17th What Effect have the French or Spanish Settlements
on the Continent of America upon His Majestys Plantations
Especially on your Province?

18th What is the Revenue arising within your Government,
& how is it Appropriated?

19th What is the ordinary & Extraordinary Expences of
your Government?

20th What are the Establishments Civil and Military with- Lib. J. R.
in your Government & by what Authority do the Officers & U. S.
hold their Places?

It is desired that a Return may be made to these Queries every Six Months, that the Board may from time to time be apprized of any Alterations that may happen in the Circumstances of your Government.

His Excellency is Pleased to lay before this Board the following Letter

Gentlemen

On Board the Vessel by which you Receive this are the familys that I spoke of in my Letter of the Tenth Instant the Skipper has Orders to put them on Shore at Upper Malbrô whence I hope they will be taken and distributed as p. 83 soon as Possible Agreeable to my abovementioned Letter I would have you Caution them against Stragling from the Plantations where they may be Settled and let them know that Orders are given to the Troops on the Western Frontiers to destroy without hesitation any of them that may be Seen in that Part of the Province and that the Attempt of any one to make off will deprive the Rest of the Liberty they will otherwise be permitted to enjoy.

I am Gentlemen

Your Humble Servant

Ordered by his Excellency the Governor that the following Proclamation be Entered

By the Right Honourable the Lord Proprietary

A Proclamation

Whereas Several of Our Tenants in this Our Province do under Colour of old Grants Obtained from our Noble Ancestors hold Several Acres of Land as Compraised within the Metes and Descriptions of such Grants more than the quantities therein Expressed and more than were by the original Patentees applyed for or by our said Ancestors Intended to be Granted to such Persons Respectively without having heretofore Paid any Purchase Money Quit Rent or Other acknowledgement for such Surplus, which being to Our said Ancestors a manifest fraud, and a Glaring Injury to ourself might (were we disposed to proceed with Rigor) prompt us to a means of redress not only destructive of any Pretence of Claim to such Surplus lands as af^d but likewise Subversive of what Titles such Patentees or those who Claim under them may have to the true Quantities of Land Applyed for and

Lib. J. R. Expressed in such Patents as Intended to have been thereby
& U. S. Granted And Ruinous to many of Our Tenants in our said Province

We nevertheless being willing and Desirous to treat those of our said Tenants, who are Inclined to yield us Content in the Premises, with all possible Lenity, have Resolved to Admitt a purchase of such Surplus Lands by those who Claim under such Original Grants upon the most easy Terms and upon the requisites hereaftermentioned being Comply'd with to Grant and Confirm Unto such Persons respectively a full absolute and Indefeazible Estate of Inheritance in fee Simple against us and our heirs both in Law and Equity in and to such Surplus Lands.

We do therefore by this our Proclamation publish and Declare our Assent and Pleasure as follows, to wit, That every Person within our said Province who hath or Claims any Land as Comprized within the Metes & Descriptions of his Grant more than the Quantity Expressed in such Grant as intended by our said Ancestors to have been thereby Granted and who shall within the Space of two years from the date hereof Apply to the Judges of Our Land Office for the time being for a Warrant to Resurvey the Original Tract according to its Antient Metes and bounds and to Return a Certificate of such Resurvey to Our said Land Office Expressing therein the true Quantity of all the Land Contained within the Metes & Descriptions of the said Original Survey shall have the same issued to him accordingly.

And that upon Return of such Certificate to Our said Office (the forms of our s^d Office being Complied with) Grant shall issue thereon to such Person, thereby Vesting him with a full Absolute and Indefeazible Estate of Inheritance against
p. 84 Us & our Heirs both in Law and Equity in fee Simple in the Lands so as af^d to be contained & described in and by the Certificate to be returned as aforesaid.

Such Person Paying to the Proper officers of our Revenue the Purchase Money for such Surplus Land at the same Rate for every hundred acres as were formerly paid for the Purchase of every hundred acres of the quantity Expressed in such original Grant.

Reserving to us and our heirs in such Grant heretofore to be issued the Annual Quit Rents for such Surplus land at the same Rate for every hundred Acres thereof as is now Payable by virtue of the original Grant for the quantity of Land therein Expressed

And we do further Assent and Agree And do hereby Authorize and direct That Our proper Officers of Our

Revenue Give to all Intents and purposes both in Law & Equity to the Persons Complying with the requisites aforesaid a full discharge from & against all purchase Money and Arrearages of Rent whatsoever, that may be due & Payable to us from the Respective dates of such Original Grants for or by Reason of such Surplus lands as af^d any thing in any former Proclamation or Instruction Contained to the Contrary hereof in any wise notwithstanding.

Lib. J. R.
& U. S.

And this Our Proclamation we have Caused to be Entered on Record in our said Land Office and other offices of Our Revenue there to Remain as a Rule and direction to Our proper officers touching the Premises Witness Our trusty and welbeloved Horatio Sharpe Esq^r Governor & Commander in Chief of Our said Province this 17th day of January in the fifth year of Our Dominion Annoq Domini 1756—

At a Council held at the City of Annapolis on Tuesday the 23^d day of March in the fifth year of his Lordships Dominion Annoque Domini 1756:

Present

the honble	{	Benjamin Tasker Esq ^r	}	Col: Benjamin Tasker
		Colonel Hammond		Richard Lee Esq ^r
		Sam ^l Chamberlaine Esq ^r		Benedict Calvert Esq ^r

His Excellency is pleased to lay before this Board the following Papers:

S^r

Within three or four Days I have received several Letters from the Magistrates in different Parts of this province informing me that those of his Majesty's Officers who have been ordered hither to recruit have lately received your positive Instructions to enlist without Exception or Distinction, all Apprentices and Servants they can perswade to enter into the Service, that the Inhabitants having a great part of their property vested in Servants, unanimously oppose the Execution of such Instructions, that on such opposition Violences have been committed, and that unless their Cause of Complaint be speedily removed an Insurrection of the people is likely to ensue, the Magistrates as well as myself have and shall endeavour to prevent mischief, but as the Officers are determined to persist, I cannot promise that the People will be much longer restrained from expressing their Resentment by Actions: I think it my Duty to make this Representation to your Excellency, and hope you will not

Lib. J. R. be averse to countermanding such Orders, otherwise I shall
& U. S. find myself under a necessity of exerting the Power with
which I am invested to preserve the peace of the province &c.
February 2^d 1756. To General Shirley

To all Officers employed in raising of Recruits for any of
his Majesty's Regim^{ts} in North America.

It is his Excellency General Shirley's Orders if amongst
the indented Servants you may have enlisted any of them
are willing to return to their Masters; that you are to destroy
their Attestations, provided the Masters to whom such
Servants belong do furnish an able Bodied Man fit for the
Kings Service, in lieu of every Servant they get back:

Roger Morris
Aid de Camp.

Boston 29th February 1756.

S^r

Yesterday late in the Evening I received the Favour of
your Letter dated the 16th Instant, inclosing a Copy of the
Assemblys Address to you on the 11th containing a Re-
monstrance against the Practice used at present by the
officers now recruiting within your Province of entertaining
indented Servants.

Thô I have very lately wrote to you Sir upon this Head,
and might rest the point in dispute upon your very reas-
onable, just and clear Answer to the Address, yet at the
Instance of your Assembly to lay the Matter complained of
before me for my Consideration I have reconsidered it, and
now transmit to you my farther Sentiments and final De-
termination thereon:

The Restraint I lately laid the recruiting Officers under,
by forbidding them to enlist indented Servants (which the
Assembly themselves referr to in their Address), must con-
vince them how tender I am of suffering his Majesty's Ser-
vice under my Care to break unnecessarily into the Contracts
of these Servants with their Masters or their Assigns &
depriving the latter of any part of the Service they originally
indented for, though it was my settled clear opinion that the
King has a Right to the Service of indented servants as well
as other Voluntiers; and it is evident that a Liberty to enlist
them must make the recruiting Officers Duty easier, and fill
his Majesty's Regiments much sooner and at a less Expence
to them, yet whilst I flattered myself with Hopes that the
Officers might be able to compleat their Regiments in time
for the Kings Service without entertaining indented servants,

I chose to put them under this Restraint, rather than subject the Masters to the ill Conveniencies, and Hardships, which I am very sensible they frequently suffer from their Servants being indiscriminately enlisted into his Majesty's Service, for this Reason, I never allowed the Officers either of my former or present Regiment to enlist such Servants, always disapproved of the Practice of it (when unnecessary) in others, and since being invested with my present Command have forbl'd it in all as long as the Circumstances of his Majesty's service would admit

Lib. J. R.
& U. S.

p. 86

But this is not now the Case S^r his Majesty's Orders to augment his Regiments to 1000 Men each are positive; the execution of them before the opening this Years Campaign is necessary for the Preservation of his just Rights and Dominions upon this Continent against the Incroachments and Invasions of the French and to secure his Subjects from the farther Devastations, which it must otherwise be expected they will soon make within these Colonies: the recruiting Officers have represented to me, that it will be impracticable to compleat their Regim^{ts} in time for the Service, if I continue my former Restraint upon them: The season is now far advanced and the Preparations of the Enemy to distress his Majesty's Colonies in every Part are pushing on very fast; of which the late Ravages committed at their Instigation within the Borders of Pensilvania by Indians some of which were before at peace with that Government, and others in Friendship with it should be a most alarming Proof to the Assembly.

The Assembly will not infer that because I judged it expedient to forego his Majesty's Right to the Service of indented Servants in favour of their Masters whilst I apprehended such an Indulgence would not disappoint the raising a sufficient force for repelling the Enemy from his Territories, and the protection of his Subjects in North America, it can therefore be my Judgment that it is either consistent with my Duty to the King or the safety of his subjects within these Colonies, to continue this Indulgence at a time when the great Interests of both are so apparently at Stake, and such ruinous consequences may ensue from it to all his Majesties Governments upon this Continent.

The illegality of enlisting indented Servants Sir, which is asserted throughout the Address, seems to be there ultimately founded in this Argument that every person must have the same absolute property in what he purchases, that he had in the Purchase Money: many Instances might be cited to shew that this Position is not universally true; & as to the Case of

Lib. J. R. indented Servants, the supposition that the King is precluded
& U. S. by the Contracts between them and their Masters from the Right he before had to their Service for the Defence of his Dominions is not founded in the nature of Governm^t, in general & is contrary to the Practice of it in the English Constitution:

A Discussion of these Points at large would lead into too wide a Field for the Compass of this Letter, it may suffice to shew what the Practice upon them is in these Colonies; and in doing this I shall confine myself to that within the province of the Massachusetts Bay, the Constitution of which as it is a Charter Government, will I suppose be admitted to be decisive in this Case.

p. 87 The Governor of this Province by virtue of the Power given him by the Charter for raising the Militia (of which I presume indented Servants will be allowed to be a Part in every Colony) constantly impresses such Servants to be employed in marching Companies or Garrison Duty for the protection of the Province as long as he thinks his Majesty's service shall require it, and in one or other of these Duties they are frequently kept two or three years and with the Consent of the great and general Assembly of this Province, the Governor hath Power to transport any Number of the Militia out of it either by Sea or Land to be employed against the Enemy.

When Forces were raised by the Province for the Expeditions against Cape Breton upon the River Kennebeck, and against Crown Point, indented Servants enlisted into them in common with others; and to compleat the Reinforcements sent into the last mentioned Service many such Servants were impressed by the Government

When others were raised within this Province in the Pay of the Crown for the Expeditions against Canada, and to remove the French from their Incroachments in Nova Scotia indented Servants enlisted into them

These Instances I think Sir afford in the whole a clear Proof of the Kings Right to the Service of indented Servants, inhabiting the Province of the Massachusetts' Bay for the defence of his Dominions, at least in North America; and that no Contract between them and the Masters can extinguish either this Governments Right to impress them into the before mentioned Service, or the Servants Right voluntarily to enlist into it: And it seems a just Conclusion to say, if this Power of taking indented Servants from their Masters for his Majesty's Service is consistent with the civil Rights of the Subject in a Charter Government, and the Property

which Masters have in those servants there; it is at least equally so in Pensilvania, that the recruiting Officers in that Province should entertain such Servants when they voluntarily enlist into the Kings Regiments unless it can be shown that the Pensilvania Masters have some *special property* in their Servants which the Massachusetts' Masters have not and which destroys his Majestys' Right to their Service for the Defence of his American Dominions against the common Enemy; But this I have before observed is not founded in the nature of Government in general and is contrary to the Practice of it in the English Constitution.

Lib. J. R.
& U. S.

As to the enlisting of indented Servants into his Majestys Regiment upon the Establishment, whenever Officers of such Regiments have recruited within the Province of the Massachusetts Bay more or less of those Servants have ever inlisted into them particularly when recruiting Officers of the Forces employed in the Expedition against the spanish Settlements in the West Indies, arrived there from Jamaica many indented Servants inlisted with them and were transported to Cuba:

I am not ignorant that Pensilvania hath afforded great Numbers of Recruits to the Kings forces, but am not of Opinion with the Assembly that they are equal to those which have been raised in the Province of the Massachusetts Bay, for my own and Sir William Pepperells Regiments, and the three Regiments of Nova Scotia within these fourteen Months, which may be computed at upwards of 1500, Men besides which near 6000 have been raised within it the last year for the Expeditions against the French Encroachments in Nova Scotia and against Crown Point; and the Number of Soldiers raised in it over and above all these for the Protection of its Frontier, exceeds I believe the Body of Men employed by the Governm^t of pensilvania for the defence of theirs: p. 88

The Assembly complain that their Province is extreamly drained of their Labourers I think Sir that Pensilvania hath not been near so much exhausted of them as the Massachusetts Bay hath been by his Majesty's Service: In the Expedition against Cape Breton that Province lost 2000 Men at least by Sea and Land and upwards of 500 the year following in the Protection of Nova Scotia, the employing of any considerable Body of Troops for the defence of the Frontier of Pensilvania is a new Service within that Government but hath ever taken up a great Number of Men in time of Peace as well as War within the Massachusetts' Bay: The Province of the Massachusetts Bay hath as few Slaves within it

Lib. J. R. as Pensilvania, the number of its' Inhabitants constantly em-
 & U. S. ployed in its fisheries, Ship building, Lumber Trade, & navigation greatly diminish the number of its Hands for Agriculture & other Labour; and it hath not the Benefit of those Resources for augmenting its' Inhabitants from the northern parts of Germany &c. which hath for many years so greatly increased the People of Pensilvania, yet thus exhausted as it is, the Governm^t, raises no Obstacles to the recruiting of his Majesty's Forces within it, and hath besides chearfully voted to raise a Number of Troops, which amounts to a ninth Part of its fighting Men this Year towards the Defence of his just Rights & Dominions upon this Continent; an Example which I can't but hope the Assembly will think the Interest of the Province, as well as their Duty to the Crown call upon them to follow:

The Assembly observe by their Address how great a quantity of Provisions their Province supplies the King's Army with, this Sir seems to be an Advantage which should make them easier under the Inconveniencies which attend his Majestys Service in other Respects; and when they consider that all the Men which are now drawing out of Pensilvania for recruiting the Kings Forces will be employed in that
 p. 89 part of his Service, which more immediately concerns the Protection of the Inhabitants of that Province against the growing Incroachments of the French they should as readily acquiesce in parting with some of their indented Servants, as any Charter Colony doth.

It is not necessary to enter into a minute Examination of every Part of the Deduction made by the Assembly of the mischievous Consequences, which arise to the Community from enlisting indented Servants into his Majestys Service, some of them seem too remote: when a Country is in Danger of being lost to the Enemy it is not a time for the Government of it, to enter into critical dissertations whether the enlisting of indented Servants for the Defence of it may not have a Tendency to lessen the Importation of them into the Country for future Tillage of the Land, and to increase that of Slaves; It would certainly have been more happy for the Province of Pensilvania to have lost the Service of some of their bought Servants last year in defending their Frontiers against the Incursions of the Enemy than to have suffered the cruel Ravages and Depopulation committed by them within their Borders.

I have already acknowledged that ill Conveniencies and Hardships frequently arise to Individuals from their inlisting indented Servants into the Kings Regiments, I am as ready

now as ever to do every thing in my Power consistent with his Majestys Service to remedy such as have happened or may hereafter happen in the Province of Pensilvania or elsewhere: His Majesty hath ordered his Regiments employed in North America for the Defence of his just Rights and Dominions and protection of his Subjects there to be forthwith augmented to 1000 Men each out of such of the Inhabitants of these Colonies as will inlist into his Service, he hath an undoubted Right to do this: If it can't be done without receiving indented Servants into the Regiments; to forbid the Entertainment of them or order them to be discharged by without being replaced by other effective Men would very probably defeat the Service for which the Regiments were ordered by his Majesty to be augmented; which the Assembly I am perswaded will upon further Consideration think would be a most unwarrantable Proceeding in the Kings General: The only Orders I can justify sending the Officers upon this occasion which I shall take care to do, will be to release such indented Servants as are willing to return to their Masters upon having good effective Men offered in Exchange for them; As to receiving them at first into the Service in cases which shall appear extremely hard to the Officers, they are at liberty to refuse it, and will I doubt not act with discretion: the Intention of my last Orders was only to take off the Restraint I had before laid upon them against receiving any indented Servants which I should not have done if the Regiments had met with that success in their recruiting as might have been expected: It must rest with the Assembly to ease such Masters as may notwithstanding this, sustain any great Hardship by the Loss of one or more of their servants in his Majestys Service, and if in doing that any considerable Burthen should fall upon the whole Community; upon a Representation of it to his Majesty it will doubtless have a proper Consideration given it; And this I can't but hope Sir, the Assembly will upon a cooler Thought of this Affair judge to be a more elligible Method of Proceeding, than to incite the Populace to pursue the violent Measures which the Address seems to point out to them

Lib. J. R.
& U. S.

p. 90

I am Sir

Your Honors most obedient

humble Servant

W. Shirley

Kent County Goal March 21st 1756

Honoured Sir.

In consequence of fresh and positive Orders which I received by an Express last Thursday, I have enlisted some

Lib. J. R. Servants, and am now in confinement for it, My Orders are
& U. S. to apply to your Excellency in such a Case, and hope you
will fall on some Measures for my Enlargement, as the
Service has already suffered by my Confinement.

I am with the greatest Respect your Excellencys most de-
voted hble Servant

Robert Sterling

The Governours Compliments to M^r Dulany, and shall be
much obliged to him for his Opinion on and Answers to the
following questions:

1: Whether a Servant indented bonâ fide has a Right to
inlist in his Majesty's Service?

2: Whether a military Officer inlisting such Servant know-
ing him, or not knowing him to be such, is in either, and
which Case liable to an Action?

3: Whether the Governour, as Governour can discharge
such Action?

Annapolis March 22^d 1756.

As to the first Quere I conceive that a Servant indented
bonâ fide can't deprive his Master of his Property in him by
enlisting in his Majesty's Service.

As to the second Quere, I conceive that an Officer enlisting
such Servant as aforesaid and knowing him to be such, may
be liable to the Action of the Master, but if an Officer should
enlist such Servant without knowing him to be such, I think
he would not be liable to an Action for inlisting such Servant,
unless after Notice of the Masters Right or property in such
Servant the Officer should detain the servant against the Will
and Consent of his Master.

As to the third Quere I am of opinion that the Governor
can't legally discharge a civil Action brought by a private
Person in defence of his Property:

Dan^l Dulany
22: Mar. 1756

p. 91 The Governor's Compliments to M^r Dorsey and shall be
much obliged to him for his Opinion on, & Answers to the
following Questions:

Whether a Servant indented bonâ fide has a Right to inlist
in his Majesty's Service?

Whether a military Officer inlisting such Servant knowing
or not knowing him to be such is in either and which Case
liable to an Action?

Whether the Governour, as Governor, can discharge such
Action? Lib. J. R.
& U. S.

As to the first: I am of Opinion that a Master has a Property in the Labour of his indented servant for the time he has contracted to serve, and that he has no Right to inlist in his Majestys Service without his Master's Consent, until the Expiration of his time of Servitude:

As to the 2^d I am of Opinion that a recruiting Officer who enlists a Man's indented Servant, knowing him to be such is liable to the Action of the Master, and that he ought to recover Damages adequate to the Injury he sustains by the loss of his Servant, but if an Officer should enlist a Servant not knowing him to be such I think no Action will lye against him unless he should detain the servant from his Master, after he is informed of his being a Servant, in which Case I think an Action would lye against him;

As to the 3^d: I am of Opinion that the Governour cannot discharge any civil Action, commenced by a Man for the Recovery of his Property and such is an Action commenced by a Master against an Officer for taking his Servant out of his Service.

E: Dorsey 22^d: Mar 1756.

Which being read

It is the Opinion of this Board, that as M^r Sterling is arrested on a civil Action for Damages, the Governor as Governor cannot discharge it, but they advise his Excellency to recommend it to M^r Sterling to give Bail for his Appearance at the next County Court to be held for the said County, and in the mean time to order his Lordships Attorney General to prepare himself, and at the said Court to defend his Majestys Officers—Proceedings, under the General's or his superior Officers Instructions.

At a Council held at the City of Annapolis on Tuesday the 30th Day of March in the fifth year of his Lordships Dominion, Annoque Dom: 1756—

Present

The honourable	{	Benjamin Tasker Esq ^r	}	Richard Lee Esq ^r
		Samuel Chamberlaine		Benedict Calvert Esq ^r
		Esq ^r		Colonel Goldsborough
		Colonel Tasker		

A Copy of a Certificate sent by Colonel Cresap in relation to the Murder of Captain Gordon of Virginia by a certain William Hallum of Frederick County on Monday the 22^d:

Lib. J. R. Instant being read, it is the Opinion and Advice of this
& U. S. Board to his Excellency that he be pleased to acquaint Governor Dinwiddie thereof, and the following Letter being read was approved of and sent accordingly—

Annapolis March 30th 1756.

p. 92 Sr.

I send this to acquaint you with an unhappy Affair that I am told has lately happened at the Mouth of Conegocheige within this Province, I have my Information only from Report, but by what I can learn there was a Party of Colonel Washingtons Regiment posted somewhere in Virginia opposite the Place above mentioned; Lieutenant Gordon who commanded it, on some Account or other came over into Maryland, and falling into a Fray of which I cannot learn any thing particular, was killed by an Inhabitant of this province who was thereupon apprehended, but through the Ignorance of a County Justice was soon after admitted to Bail, As soon as I was advised thereof, I ordered a Provincial Warrant to be instantly issued requiring the Sheriff of Frederick County where the Fact was committed to take the Offender into Custody, and carry him before a Provincial Magistrate to be dealt with according to Law, and to take his trial, at the next Assizes for the County which Will be held at Frederick Town the fifth of May next, when the Attorney General will be sent up to prosecute, you will therefore be pleased to direct the surviving Officer of the abovementioned Party to order such Soldiers, or other Inhabitants of Virginia, as may have been Witnesses to this unhappy Accident to attend at the Assizes and give their Evidence. In case such Witnesses should be afraid of being molested (of which I think they have not the least Reason to be apprehensive) they shall on the Officer's making application either to the Court or myself have a Protection; which your Honour will be pleased to signify to him, that whatever might be the Issue of the Trial, there may not be the least Room given any Person whatever to insinuate hereafter, that every Step was not taken to bring the Criminal to condign Punishment. Your Honor will I hope be perswaded that every Measure shall be taken by this Government that is agreeable to Law, and Justice and believe that

I am

with great Regard

To

S^r your most humble & m^t obed^t serv^t

Governor Dinwiddie

Hor: Sharpe.

At a Council held at the City of Annapolis on Thursday the eighth Day of April in the fifth year of his Lordships Dominion Annoque Domini 1756. Lib. J. R.
& U. S.

Present

The honorable	{	Benjamin Tasker Esq ^r	}	Richard Lee Esquire
		Samuel Chamberlaine		Benedict Calvert Esq ^r
		Esq ^r		Colonel Goldsborough
		Colonel Benjamin Tasker		

The Record of the Conviction of Negro Simon the Slave of George Layfield for a Felony by him committed, transmitted by the Justices of Worcester County, being read, and also the following Letter:

S^r

I am informed a Death Warrant, is ordered for the Execution of a Negro Man, the Slave of one George Layfield of Worcester County in consequence of a Conviction before the Justices of that County for the Offence of store breaking.

M^r Layfield informed me that he proposed to join with some Persons in Worcester County of Repute in an Application to your Excellency for a Pardon at the same time that the Transcript should be sent up. Why that has not been done I cannot tell unless it may be thought that I would mention the Matter to your Excellency I shall therefore beg leave to lay before you Sir, all that I have been made acquainted with, in regard to the Criminal; since I came to Town M^r Joseph Ensor of Baltimore County (who lately sold the above Negro to M^r Layfield) informed me, as to the past Character of the Fellow that he had been guilty of some little pilferings, but never accused of any Offence like to that for which he is now condemned: he is very young I believe not more than twenty years of Age, and it is said much concerned for his Offence; it is also generally believed below that the present Criminal had for his Accomplice a Negro Fellow (charged by the Confession of the Criminal only who was the greatest Rogue of the two, and escaped Punishment for want of legal Testimony to convict him: I am convinced your Excellency's merciful and humane Disposition inclines you to spare Life where there may be a probability of Reformation in the Criminal, I know little of him and submit the Matter to your Excellencys Determination, whether Life or Death; I am with all due Regard.

S^r Your most obed^t Serv^t
Robert Jenckins Henry.

April 8th 1756.

It is the Advice of this Board to his Excellency that he be pleased to direct a Pardon for the aforementioned Negro, which issued accordingly.

Lib. J. R. At a Council held at the City of Annapolis on Thursday
& U. S. the 15th Day of April in the fifth year of his Lordships Do-
minion Annoque Dom: 1756.

Present

the hon ^{ble}	{	Benjamin Tasker Esq ^r	}	Richard Lee Esq ^r
		Philip Thomas Esq ^r		Benedict Calvert Esq ^r
		Samuel Chamberlaine		Colonel Goldsborough
		Esq ^r		
		Colonel Benjamin Tasker		

His Excellency is pleased to lay before this Board some Extracts of Instructions, sent him by the Right Honourable the Lord Proprietary which are ordered to be entred as follow

Art: 47th
date 3 Mar. 1753 "You are to permit a Liberty of Conscience to all persons (except Papists) so they be contented with a quiet, and peaceable Enjoyment of the same, not giving Offence, or Scandal to the Government."

Art. 9th
date 17th
April 1754 Having received a Copy of a Bill that was brought in and read the first time in the Lower House, and putt off to next Sessions "to prevent the further Growth of Popery" the sections thereof containing Matters of the greatest Importance, and Consequence, and as the first of W^m and Mary commonly called the toleration Act, and the several penal Acts of Parliament therein mentioned, being before them enacted to be in full Force, within the Province &c. besides other Acts in force, as by Acts of Assembly, I think the Penalties in the said several Acts in force sufficient Protection against all Injury from Popery; however as to further Consideration thereon I hope and do expect the Legislative Authority of the Province will judiciously and truly determine thereupon so as not to affect any lay Roman Catholick in Maryland, contrary to such Conditions as to his Rights and privileges he doth enjoy throughout his Majestys Plantations in America nor thereby p^rvent the Increase of Inhabitant Setlers within the Province. Any Bill for such Purposes, I desire and require of you not to pass, and that you will not pass any Bill that admits of any Clause of Evidence or Words reputed Evidence, so as to affect in Judgment by any Court of Justice any Persons either in Life or property whatsoever

10. And whereas at a Sessions of Assembly the 17th day of July in the first year of the Dominion of my late dear Father Charles Lord proprietary of Maryland & Avalon &c. Annoque Domini 1716, An Act passed for transferring the Payment of all such Fines and Forfeitures, as shall hereafter arise or happen upon the Breach of any penal Laws of this

Province of Maryland to the Right honourable the Lord Lib. J. R.
proprietary, Section 2^d "All Fines Penalties or Forfeitures & U. S.
are made payable to the Lord Proprietors of this Province,
his Heirs and Successors &c. and 'tis provided that it be
always construed, understood, or adjudged, that where any
of the said Fines are directed to be appropriated, or applied
towards the support of Government, his Lordship the Right
Honourable the Lord Proprietary his Government of this
Province be understood and none other &c:" I therefore
hereby require of you that you suffer no Act to pass in viola-
tion of my Right therein. And whereas at a Sessions of
Assembly begun and held the 17th day of July 1716 An Act
passed intituled "For the better Security of the Peace and
Safety of his Lordships Government, and of the protestant
Interest within this Province, 'tis enacted, provided never-
theless that this present Act or any thing therein contained,
shall not extend or be construed to extend to the Negotiation,
or Management of the Lord proprietary his private Affairs
&c. I therefore require, and direct you not to pass any Act
to barr any Person to be Receivers of my Quit Rents, and
other pecuniary things belonging to me: As it is but just
and reasonable with all Men, be him of what Profession of
Religion, to employ as he may be the best Security in things
of private property so essential indeed in Case of Elections
of Representatives of the Province if such is proved a real
Romanist, and that he shall influence in the Choice of Elec-
tions aforesaid, a Papist so employed, and shall meddle so
with Elections of Representatives of Assembly, he ought to
forfeit to the Lord Proprietor for the Uses of support of
Government as aforesaid:

In regard to the Clergy's Remonstrance delivered to you, 11:
and by you transmitted me my Desire is that you give them
all Satisfaction therein in support of the Church, and protes-
tant Education of Youths as by Law is established As to the
Clergy who returned to the Committee of Aggrievances, a p. 95
Copy of the same Remonstrance as above, which (you
mention) occasioned" the bringing in a Bill against Roman
Catholicks, which the House thought proper to reject in so
doing they did well.

I much commend your Prudence about putting the penal
Laws in Execution ag^t the Roman Catholicks I am sure it is
as contrary to your Principles as to my own to afford them
any other Protection than such as is exercised by his Maj-
esty's given Rule of Government throughout his Colonies and
Dominions in America to which I require your strict Ad-
herence.

Art: 2^d
dat. 9. Sep^r
1755.

Lib. J. R. At a Council held at the City of Annapolis, on Wednesday
& U. S. the 28. Day of April in the 6th year of his Lordships Do-
minion Annoq Dom: 1756:

Present

the honble	{	Benjamin Tasker Esq ^r	}	Col Lloyd
		Col: Hammond		Col: Tasker
		Samuel Chamberlaine		Bend ^k Calvert Esq ^r
		Esq ^r		
		Philip Thomas Esq ^r		

His Excellency having laid before this Board an Account of £21:6:6: paid by him for the Carriage of Arms and Ammunition to Frederick Town,

Ordered that the honorable Col: Edward Lloyd as Treasurer of the Eastern Shore draw an Order on M^r Hunt Merchant in London payable to his Excellency the Gov^r or his Order for 21:6:6: sterling, being so much paid by him for the Carriage of Arms, and Ammunition at several times to Frederick Town, out of the Duty of 3^d p: Hhd for Arms lodged in his Hands by the said Col. Lloyd.

At a Council held at the City of Annapolis on Wednesday the 5th Day of May in the sixth year of his Lordships Dominion Annoque Dom: 1756.

Present

the honble	{	Benjamin Tasker Esq ^r	}	Philip Thomas Esq ^r
		Colonel Hammond		Col: Tasker
		Samuel Chamberlaine		Bend ^k Calvert Esq ^r
		Esq ^r		

His Excellency is pleased to lay before this Board the following Instructions, from the Right Honourable the Lord Proprietary which are ordered to be entred.

p. 96 As I have heard it has been said in England by a Master of a Vessel who imported some Convicts into this Province that he paid here a Sum of Money p poll on such Convicts, which affords Room to apprehend that the said Master imported and sold such Persons to the Inhabitants of this Province as Servants for a Term of Years (such Things having been frequently done) and that by so doing he might have subjected himself to the Payment of certain Duties, imposed by an Act of Assembly passed in July 1754 intituled An Act for his Majesty's Service but that all Occasion of such Complaints might be removed and prevented, as much as possible, I have tho^t fit and do hereby require you to conduct

yourself so as not to give the least Cause to any Master of a Vessel, or other Person to complain, or insinuate that in the Execution of the Duty of a Naval Officer you take any Step, or collect any Money contrary to the Statutes of England, or Laws of this Province, and I also direct you to be particularly careful, not to demand under colour of the Act of Assembly above mentioned, or any other a Duty or Fine on the Importation of any Persons who are bona fide Convicts, and who shall or may be imported as such into this Province.

Lib. J. R.
& U. S.

His Excellency is pleased to lay before this Board a Report made to him by the Justices of Assize for the Western Shore, whereby it appears that they had passed Sentence of Death upon Mulatto Charles, late of Prince Georges County Labourer, the Slave of a certain James Campbell, otherwise called young Charles Butler, for feloniously taking and leading away one black Mare of the Price of five Pounds, the Goods, and Chattels of a certain William Elson, contrary to an Act of Assembly in such case made and provided, and also that they had passed Sentence of death, upon one Benjamin Barrett late of Calvert County Labourer, for feloniously breaking and entring the store House, of a certain John Gray of the Clifts, and taking thereout sundry Goods and Chattels, contrary to the Form of an Act of Assembly in such Case lately made and provided: And Likewise the Report of Bedingfield Hands one of the Justices of Assize for the Eastern Shore, whereby it appears that he had passed Sentence of Death upon a certain John Christopher Labourer Servant to Charles Baker for stealing a bay Gelding the Property of the same Charles Baker. and also that he had passed Sentence of Death, upon one Negro Jack, Slave to Joseph Nicholson, for breaking the Store House of William Murray in the night, and thereout feloniously taking a Piece of corded Dimothy: It is ordered with the Advice of this Board that Warrants issue for the Execution of John Christopher, and Negroe Jack the 14. Instant, but forasmuch as it appears by the Representation of several Persons in favour of Mulatto Charles, and Benjamin Barrel that they are Objects of Mercy, it is the Advice of this Board to his Excellency, that he be pleased to order Pardons for the said persons which issued accordingly.

The Conferrees appointed by the upper House in relation to the Bill for raising £40000 for his Majesty's Service, lay before this Board the following Proposition of the lower House.

The Conferrees do agree waving any further Dispute at present, about the right Nomination of Officers of Excise,

Lib. J. R. that the Sheriffs shall be Collectors of Excise, as nominated
& U. S. by the third Bill.

The following Proposal, is ordered to be made to the Conferrees of the lower House

The Governour or Commander in Chief for the time being shall commission the Sheriff of every County to be Collector of Excise.

His Excellency is pleased to ask the Advice and Opinion of this Board, whether the Points shall be waved relating to the nomination of the Officers of Excise by the Government, and if the lower House refuse the Alteration proposed by the upper House would this Board advise the Governor to pass the Bill as the Nomination stood in the third Bill.

Benedict Calvert, would not advise the Governor to pass the Bill

Colonel Tasker, would

Colonel Lloyd would

Philip Thomas Esq^r would not

Samuel Chamberlaine Esq^r would not

Colonel Hammond would not

Benjamin Tasker Esq^r would

At a Council held at the City of Annapolis on Wednesday the twelfth Day of May in the sixth year of his Lordships Dominion, Annoque Dom: 1756:

Present

the ho ⁿ ble	{	Benjamin Tasker Esq ^r	}	Colonel Lloyd
		Colonel Hammond		Colonel Tasker
		Samuel Chamberlaine		Bend ^k Calvert Esq ^r
		Esq ^r		
		Philip Thomas Esq ^r		

His Excellency asks the Opinion of this Board, that in case a Bill should pass both Houses, laying a Tax on all his Lordships Manor Lands, and all other Land for which he shall receive any Rent, would this Board advise the Governour to pass the same?

Benedict Calvert Esq^r would

Colonel Tasker would

Colonel Lloyd would, in Case the Bill is practicable to be performed.

Philip Thomas Esq^r would

Samuel Chamberlaine Esq^r would

Colonel Hammond would

Benjamin Tasker Esq^r would

If the Bill for raising £40000 passes both Houses with a Clause, appointing Colonel W^m Fitzhugh, and M^r Charles Carroll, to treat with the southern Tribe of Indians for the Purposes, and in the manner as therein directed, would this Board advise the Governor to reject the Bill upon that Clause only, who unanimously are of Opinion they would not

Lib. J. R.
& U. S.
p. 98

At a Council held at the City of Annapolis on Saturday the 22^d Day of May, in the sixth year of his Lordships Dominion, Annoque Dom: 1756.

Present

the honourable	{	Benjamin Tasker Esq ^r	}	Colonel Tasker
		Colonel Hammond		Richard Lee Esq ^r
		Samuel Chamberlaine		Benedict Calvert Esq ^r
		Esq ^r		Colonel Goldsborough.
		Philip Thomas Esquire		
		Colonel Lloyd		

His Excellency acquaints the Board that the Right Honourable, the Lord Proprietary had appointed, Colonel Robert Jenckins Henry, a Member of his Lordships Council, and that he now attends in order to be qualified.

Whereupon the said Colonel Robert Jenckins Henry takes the Oaths to the Government appointed to be taken by Act of Assembly, and likewise the Oath of a Councillor, and subscribes the Abjuration, and Test, and takes his Place at the Board accordingly.

His Excellency is pleased to lay before this Board the following Petitions.

To the Honourable the Speaker, and Members of the House of Delegates of the Province of Maryland.

The Petition of the Freeholders and Inhabitants of Calvert County

Humbly sheweth.

That the Lords Proprietary of this Province, have for many years past grievously oppressed the Inhabitants of the same, not only by seizing on, and applying to their own private Uses diverse considerable Sums of Money arising from Ordinary Licenses, Fines & Forfeitures &c. which several Sums ought to be applied towards defraying the Charges of Government, and the Ease, Defence, and Security of the Inhabitants thereof, but also their said Lordships Council of State have rejected a Bill passed by your Honourable House for granting to his Majesty a considerable Sum of Money, to be applied towards raising and maintaining a Number of

Lib. J. R. Men to defend this Country against the brutal French, &
 & U. S. their Allies, the savage Indians, who were then committing
 the most shocking Barbarities and uncommon Cruelties imaginable on our Fellow Creatures, and Countrymen, who could have no Consolation in their distress, but that of seeing Hundreds, in their own, unhappy & lamentable Circumstances, this gives great Concern, and more when we reflect on the great Danger and Mischiefs, that may speedily arise within this Government, by the Increase of Popish Recusants, among us and considering the great Resort of Jesuits to this Country who are daily endeavouring to seduce his Majestys good Subjects from their Religion and Allegiance, and how
 p. 99 much his Majestys protestant Subjects, are disheartened to see Priests and Jesuits, accumulating great Wealth, and enjoying some of the best Estates in the Province, contrary to Law, and good Government: and also to see Men highly to be suspected of Popery and who were educated at S^t Omer's, and brought up in that Religion admitted into Employments of great Trust, and Profit, we cannot omit on this Occasion to return you our sincere Thanks, and to express our Approbation of your Address to his Excellency the Governor, dated the 6th July 1755: and printed in the Maryland Gazette, requesting of his Excellency the Execution of the Penal Laws of England against the Papists of this Province and though we have the Mortification to find that your said Address had not the desired Effect, yet we intreat you not to be discouraged from farther attempting our Relief and Security by transmitting to his most sacred Majesty, a true State of our present Situation and Grievances and imploring his Interposition, and Protection; And we do hereby engage to support your Undertaking to the utmost of our Abilities, and with our Lives and Fortunes to maintain, and defend his Majesty's Rights, in this Dominion.

To the Honourable the House of Delegates of the Province of Maryland, in Assembly convened.

The Petition of the Freemen, and the Electors of Charles County sheweth.

That your Petitioners daily suffer many Aggrievances, Extortions, and Oppressions under the Government of the Right honourable the Lord Baltimore, which we are certain we should be relieved from, could they be properly represented to his most sacred Majesty who on all Occasions has shewn the greatest readiness, to relieve his distressed Subjects, though ever so remote, we therefore most humbly pray, notwithstanding, your Bill for an Agent has been denied by his Lordships Council, who take upon them the Right of

receiving your Bills contrary to the true intent and Meaning of his Lordships' Charter, that you'll fall on some proper Measures to relieve us from our oppressions, some of the most notorious of which we conceive are these. Lib. J. R.
& U. S.

The twelve Pence p: Hhd: on all Tobacco exported from viz: this Province

The fourteen Pence, sterling p: Ton, duly imposed, and received from all Vessels trading to this Province, which originally was intended to supply a Magazine, as in other provinces where the same is received, but here the Proprietor applies it to his own private Use.

The Fines and Forfeitures arising by Acts of this Province, instead of being applied for the support of Government, as by the said Acts intended, are pocketed by the proprietor

The Judges of the Courts in this Province, are appointed only during Pleasure, though they are paid by the people.

The Council refusing to pass a Bill, to prevent the great Importation of German Priests and Papists into this Province, but in a manner as must render it of little Service, & then the Bill not to be in Force until his Lordships Pleasure should be known

The Embargo Bill being denied, though requested by General Shirley, because one half of the Seizures and Forfeitures by that Bill were applied to his Majesty's Service

The large Possessions, of the Jesuits, their having public Churches, and using unwarrantable Means to gain Proselytes. p. 100

We humbly conceive the Plans on which you formed your Mony Bills, for seven thousand, ten thousand, five thousand, and two thousand pounds are just, and must had the Council passed them greatly conduced to the support of his Majesty's just Rights, and our safety.

All which we humbly submit to your most serious Consideration.

To the honourable the lower House of Assembly.

The Petition of the Freemen of Ann Arundell County.

Most humbly sheweth.

That his Majesty's most dutiful and loyal Subjects of this Province labour under great Aggrievances, and Oppressions, which have long called for Redress, and requires as we humbly conceive at this unhappy time, your most serious Consideration.

That for the Space of twenty three years the Officers of the proprietary have we conceive in obedience to his Order

Lib. J. R. levied, and still continue to levy without any Authority as
& U. S. we know 12^d sterling on every Hhd of Tobacco exported out of this Province, which Tax amounting to a very large Sum, the Proprietary converts to his own proper Use.

That many Fines and Forfeitures, appropriated by Act of Assembly for the support of Government are also received by the Proprietary, and converted as aforesaid whereby all the Exigencies of the Government (some of which these Fines were undoubtedly intended to answer) must be provided for by the heavy Taxes on the people.

These and other Aggrievances, some of which are below mentioned are Burthens too heavy to bear, and as the present situation of our Affairs demand our utmost Efforts to repel the Invasion of a powerful and perfidious Enemy, and to guard ourselves, against our inveterate Enemies the Jesuits, and their Emissaries.

That as the many Attempts you have made to obtain Bills, for the salutary purposes above mentioned, the appointing an Agent to represent our Aggrievances to the Throne thereby to procure a final determination of them have proved ineffectual, that you will fall upon some other Measures, as will best answer the purposes aforesaid, which we humbly assure your Honours we will support by private Contribution to the utmost of our Abilities,

And your Petitioners as in duty bound will pray &c.

Annapolis April 3^d 1756.

Gentlemen

We have on very seriously considering our unhappy Differences, come to a Resolution to send home a proper Gentleman or two, as Agents to endeavour to have our Grievances redressed, but think it proper the Matter should take its rise among the People, or at least that it should have that Appearance, for which purpose, petitions are putting about in almost every County, I should think there need not a single Argument to enforce a Thing of this Sort, therefore shall only say further that a Subscription will no doubt be gone into, and its at present, thought £2000 sterling will be a sufficient Sum if agreeable this might come down by next Friday when the disagreeable Affair of our Court House will come on, I may say unreasonable when so many Affairs of the highest Import ought to employ our whole Thoughts, for your Perusal you have Copy of a Petition going about here for the Purpose, which will serve to strike out from. I am with the most sanguine Wishes for the Prosperity of Maryland.

D^r Sirs your Friend & servant
M^r Earle.

To the honourable the House of Delegates.
The Petition of the Freemen of County
Most humbly sheweth.

Lib. J. R.
& U. S.

That we his Majesty's loyal and faithful Subjects, are sincerely grieved to find ourselves under an absolute necessity of complaining to you, that we conceive our most holy Religion and valuable Constitution to be in the greatest Danger from the Swarms of Jesuits, Priests, and others disaffected to our most gracious sovereign coming among us, and building, and erecting Seminaries, and public Mass Houses, wherein with Impunity they teach and propogate, their damnable, and treasonable Doctrines. that we are taxed yearly for the use of the Proprietary of this Province the sum of 12^d for every Hhd of Tobacco, and 14^d for every Ton of Burthen, of all Vessels trading in or to this Province and not properly belonging thereto, without and Law that we know of for so doing, which we cannot but think an Encroachment on our Liberties, and Privileges, and that we labour under many other Grievances, the Particulars of which it would be here tedious to enumerate, as we cannot hope after so many Trials, and Disappointments to have a Law assented to, and passed by the other Branch of the Legislature, enabling us to raise a Fund for the support of an Agent to lay our case in a proper manner before his most sacred Majesty from whom alone we hope for, and expect Relief and protection, we therefore most earnestly entreat you as this Juncture, as our present Circumstances seem absolutely to require it that you would consider of, and fix upon some justifiable and Legal Expedient for that Purpose, and you may depend on all the Assistance in the power of those who are in duty &c.

Which Petitions being read, it is the Advice of this Board to his Excellency, that in his Speech at the proroguing of the Assembly, he be pleased to take notice of the same, and it is also thought adviseable to send circular Letters to the Magistrates of the several Counties of this Province to enquire into all seditious Reports, with respect to the Administration of this Government, in order to disquiet the Minds of the People therewith which have or may hereafter be spread, within their several Counties, and in Case of Discovery of the Authors of such Reports, that they make Report thereof to the Governor and Council with all Expedition. p. 102

May 25th 1756: Ordered that the following Proclamation issue.

Whereas the present Posture of Affairs, and the Situation

Lib. J. R. of this Province makes it exceedingly expedient and neces-
 & U. S. sary that the Militia thereof, should be regulated carefully
 trained, and disciplined. I have thought fit with the Advice
 of his Lordships Council of State to issue this my Procla-
 mation requiring and commanding all Officers of the Militia
 within this Province to have the several Regiments, Troops,
 or Companies under their respective Commands frequently
 mustered and exercised (once at least in every Month during
 the Summer) and to see that the Mens Arms are constantly
 kept in good Order, and fit for Service, that they may be pre-
 pared and ready to oppose any Invaders, and to defend this
 Part of his Majestys Dominions, and their own properties;
 and I do further direct and enjoin the several Military
 Officers, during the time above mentioned, to put in Force
 and take Care that the Militia Laws of this Province be
 strictly executed against such Persons as shall neglect their
 Duty, or disobey the lawful Commands of their respective
 Officers,

Given at the City of Annapolis the twenty fifth day of
 May in the fifth year of his Lordships Dominion Annoque
 Domini 1756:

Hor° Sharpe

The following is a Clause of the Act of Assembly lately
 made in this Province intituled, An Act for granting a
 Supply of £40000 for his Majestys Service and striking
 £34015..6..0: thereof in Bills of Credit, and raising a Fund
 for sinking the same.

“And for the better Encouragement of Freemen of suffi-
 cient Ability of Body, and fit for Service who shall volun-
 tarily offer themselves, and be accepted, to garrison the Fort
 and Block Houses aforesaid.

“Be it Enacted that the Sum of twenty two Shillings
 and six Pence, or three Pieces of Eight, out of the eleven
 thousand Pounds aforesaid, be paid to every such Freeman
 on his enlisting as aforesaid; and in case sufficient Freemen
 fit for the Service aforesaid, shall not offer themselves to be
 enlisted to compleat the Number of two hundred, including
 Officers, by the twentieth day of June next, that then the
 Governor or Commander in Chief of this Province for the
 time being shall immediately after the said twentieth day of
 June next, apportion, and direct the Number of Men to be
 drafted out of each respective County of this Province, to
 make up the Number aforesaid and forthwith shall direct
 the Colonels of the respective Counties, with the utmost Ex-
 pedition to call together their whole Militia at such conven-
 ient Places within their said Counties as the said Colonels

shall appoint at the same time acquainting them with the Number of Men to be drafted out of their respective Militia; and the Colonels, Majors, and Captains of each respective County, or the Majority of them shall out of their Militia so met immediately proceed and draft double the Number allotted by the Governour to be drafted (being unmarried, and not servants imported, or by Indenture, actually executed before the first day of February last) out of the Militia of such County as aforesaid, from which Number so drafted the Number allotted as aforesaid shall be ballotted, and thereupon the several Persons so ballotted, shall be by the Sheriff of the respective County, who is hereby strictly enjoined and required to be then present safely conveyed, at the public Expence without delay to the Sheriff of the next County and so from Sheriff to Sheriff till they are conveyed to the Place appointed for fixing the Fort aforesaid:

Lib. J. R.
& U. S.

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And Be it Enacted that every Officer aforesaid who shall not appear on the Day appointed as aforesaid, having notice thereof, and give his Vote in drafting the Number of Men aforesaid shall forfeit, and pay the Sum of ten Pounds Current Money; and every Sheriff having notice as aforesaid, who shall not be present to take Charge of the Men who shall be ballotted as aforesaid, shall forfeit and pay the like Sum, and every Person capable of bearing Arms, who shall not appear at the days respectively to be appointed as aforesaid shall forfeit and pay the Sum of five Pounds, like Money; all which Forfeitures shall be recovered by Action of Debt, Bill, Complaint, or Information, in any Court of Record within this Province, wherein no Essoin, protection, or wager of Law shall be allowed; one half to the Informer, or him or her that shall sue for the same, and the other half to be applied as herein after directed; and every Colonel who shall neglect to give the several Officers, and the Sheriff aforesaid Notice, within ten Days of the Day to be by him appointed as aforesaid shall forfeit, and pay twenty Pounds Current Money to be recovered and applied as aforesaid.

By his Excellency Horatio Sharpe Esq^r Governor, and Commander in Chief in and over the Province of Maryland.

A Proclamation

Whereas by an Act of Assembly of this Province made at the last session of Assembly, intituled, An Act for granting a Supply of £40.000: for his Majestys Service and striking £34015..6..0: thereof in Bills of Credit, and raising a Fund for sinking the same, it is enacted, and ordained, that for the Uses, and purposes, in the said Act mentioned, several

Lib. J. R. Sums of Mony shall be collected and received: some from
 & U. S. and after the first day of June next, and others from and
 after the 20th day of the same Month. And whereas the
 intermediate time is too short for Copies of the said Act to
 be printed, and properly dispersed: To the End therefore
 that the several Officers who are or shall be appointed to re-
 ceive and collect such Sums of Mony, or the people by whom
 the same is to be paid, may be timely apprized of their
 several Duties, and know what is required of them respec-
 tively by the said Act; to prevent the Mischiefs and Evils,
 p. 104 that would necessarily follow from the said Officers or
 peoples being ignorant of the same and that the said Law
 might be more effectually executed to the Satisfaction, and
 Advantage of the Publick; I have with the Advice of his
 Lordships Council of State, thought fit to issue this my Pro-
 clamation to publish and make known to all whom it may
 concern that the several Clauses to this my Proclamation
 annexed are true Copies of several Clauses of the Act of
 Assembly aforesaid: And I do hereby require all Persons
 concerned to take Notice thereof and conform thereto ac-
 cordingly.

Hor^o Sharpe

T. Ross: Cl: Con: May 27: 1756:

Be it Enacted by the Authority, Advice and Consent afore-
 said, that from and after the twentieth Day of June, in the
 year One thousand seven hundred and fifty six there shall be
 levied, raised, collected, and paid by way of Excise on all
 Rum, and other Spirits, already imported, or which shall
 hereafter be imported, or distilled, or extracted within this
 Province from Melasses, or, any Grain or other Materials,
 not of the Growth of this Province which shall be retailed,
 or sold, in any Quantity under fifty Gallons; and on all Wine
 (except Wine imported from great Britain) which shall be
 retailed, or sold in any quantity under twenty five Gallons,
 or which (not being bought or sold by way of retail) shall be
 consumed; and on all Brandy or other Spirits, made, distilled,
 or drawn from any Grain or Fruit, of the Growth or produce
 of this Province, and sold, or retailed the following Rates
 Duties, and Impositions, that is to say, for all Wine (except
 as before excepted and also except Madeira Wine, already
 imported) so retailed or consumed, six Pence p: Gallon for
 all Rum and other Spirits already imported, or which here-
 after shall be imported or distilled or extracted, within this
 Province from Melasses, or any Grain, or other Materials,
 not of the growth, or produce of this Province, so retailed,
 or consumed four Pence p Gallon; for all Brandy, or other

Spirits, made, distilled, or drawn from Grain or Fruit of the growth and produce of this Province, and sold by way of Retail two Pence p Gallon; and for all Madeira Wine already imported, and on which a Duty of two Pence p Gallon by a former Act of Assembly of this Province has already been paid, the sum of four Pence p: Gallon.

Lib. J. R.
& U. S.

And Be it further Enacted by the Authority aforesaid, that the Sheriffs of the respective Counties within this province for the time being, shall be Collectors of the Duty, by this Act imposed on Liquors, and shall be commissioned for that Purpose by the Governour or Commander in chief for the time being: but before they shall enter on the Execution of their Offices aforesaid, they and each of them respectively shall give Bond, with two sufficient Sureties, to the Right Honorable the Lord Proprietary of this Province, in the Sum of four hundred Pounds Current Mony with the following Condition, that is to say "The Condition of the above Obligation is such, that if the above bound, whilst he shall be and continue, in the Office of Collector of the Excise in County, shall well, and faithfully exercise and perform the several Duties required of him to be performed by the Act of Assembly, entituled, An Act for granting a Supply of forty thousand Pounds for his Majesty's Service, & striking thirty four thousand, and fifteen Pounds, six Shillings thereof in Bills of Credit, and raising a Fund for sinking the same, and do well and faithfully pay, to the Commissioners of the Loan Office for the time being the several sums of Mony which he shall receive, and be answerable for in virtue of the same Act, at such times as by the said Act is directed, according to the true Intent and Meaning thereof; then the above Obligation to be void, and of no Effect, otherwise to remain in full Force and Virtue, and take the following Oath viz^t I. A. B. will truly and faithfully, without Favour or Affection, execute to the best of my Ability, the Office of Collector of Excise and will from time to time, account make, and deliver to such Persons as by this Act is required, and will take no Fee or Reward for the executing the said Office, more than by the said Act is given: So help me God. Which said several Collectors are hereby severally impowered by themselves, or their Deputies, to be by them duly constituted, and for whose Conduct they shall be accountable to demand, collect, receive, and recover the Excise appointed by this Act, within the respective Counties, and Places for which they are appointed, of and from all & every Person or Persons, retailing, vending, or consuming any of the Liquors by this Act liable to pay, and chargeable with the Duties aforesaid; and also to recover and

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Lib. J. R. receive all and every the Fines, and Forfeitures laid, or im-
 & U. S. posed, or that shall happen to arise or become due, for any
 thing done contrary to the Intent, and Meaning of such Parts
 of this Act as relate to the Excise.

And be it further enacted, that every Retailer of all or any of the said Liquors before he, she, or they draw, sell, or barter any of the said Liquors, shall enter his, her, or their Names, and Places of Abode, with the Collector of the respective Counties, or their Deputies, in Books to be by them kept for that Purpose; and all such Retailers, and every of them are hereby enjoined once in every three months, or oftener if required, to make true and particular Entries with the Collectors, or their Deputies respectively, upon Oath, or Affirmation if a Quaker (which the said Collectors, or their Deputies, are hereby empowered to administer) of all Rum, Brandy, or other Spirits, which they or any of them, shall have vended, bartered, or retailed within that time, and so from time to time during the Continuance of this Act; and shall and are hereby required to account for and pay to the said Collector, or their Deputies respectively, once in every three Months, or oftner if required, all such Sum, and Sums of Mony, as shall become due and payable by virtue of this Act.

And Be it further Enacted, that all, and every Retailer of all, or any the Liquors af^d shall on the Entry of their Names, and Places of Abode, with the Officers aforesaid give unto the said Collectors, or their Deputies, a true Account of the Quantities, and Measure, and number of Gallons of all Wine (except as before excepted) and all Rum, Brandy, and other Spirits, which shall be in their Possession at the time of the Entry aforesaid, and shall also from time to time after the
 p. 106 twentieth day of June, in the year One thousand seven hundred and fifty six, whenever thereto required, give true Accounts, and perfect Entries make of all and singular the Wine as aforesaid and Rum, Brandy, or Spirits then in their Houses, Shops, Cellars, Vaults or Stores.

And be it further Enacted by the Authority aforesaid, that if any Retailer, shall presume to retail, draw, sell, or barter any of the Liquors aforesaid, without having first entred his, her or their Name, and Place of Abode with the Collectors or Deputies, as this Act directs, every such Retailer shall forfeit and pay the sum of five Pounds current Mony over, and above the Duties, for all such Liquors, retailed by them as aforesaid; or if after such Entry made, any Retailer shall refuse or neglect to make true and particular Entries when required, or shall refuse or neglect to account with and pay

the said Collectors, or their Deputies, what shall appear to be due by this Act, upon the Entries made by them as aforesaid, once in every three Months, or oftner (if required, every such Retailer shall forfeit and pay for so neglecting or refusing to enter the Liquors drawn every three Months respectively and to account for and pay as aforesaid, for the first Offence the sum of ten Pounds Current Mony and for the second Offence the sum of twenty Pounds Current Mony, and are hereby declared incapable of retailing or selling any of the Liquors aforesaid, during the Continuance of this Act; and if the Person or Persons liable to pay the Duties arising upon selling or retailing of the Liquors mentioned in this Act shall neglect or refuse to pay the same in the manner, and at the times herein limited and appointed, by the space of ten Days after the same ought to be paid, it shall and may be lawful for the said Collectors respectively by virtue of a special warrant for that Purpose, signed & sealed by any one Justice of the Peace, of the County where the Offence is committed to empower the said Collector to levy the same, by Distress and Sale of Goods and Chattels of the Offender rendering the Overplus, if any be, to the Owner, or Owners, after reasonable Charges deducted.

Lib. J. R.
& U. S.

And be it further Enacted, that if any Person or Persons, shall make short or fraudulent Entries, of the Liquors, in his, or their Possession as aforesaid, or shall neglect and refuse to enter, and give the Amount of such Liquors, as he, she, or they shall receive at any time into his, her, or their House, store, Cellar, Vault, or otherwise when thereto required as aforesaid, all such Liquors not entred as aforesaid shall be forfeited, and the Collectors for the time being or their Deputies, are hereby respectively empowered to enter at any time in the Day, when they shall see convenient, the House, Cellar, Store, Vault, or shop of any Retailer, and compare the Liquors in such House, Cellar, Vault, Shop, or Store with the Quantities, Measures, or Number of Gallons mentioned in the Entries made, and Accounts given in, and seize, and take away all such Liquors, as shall be found not truly entred as aforesaid, together with the Casks or other Vessels, containing the same.

And be it further Enacted, that the Collectors, or their Deputies, in the Presence of the Constable, and two good, and lawful Witnesses, may on Request by him made enter the House, Cellar, Vault, Store, or other Room of such Retailer, in the day time, to gage all the Vessels and Liquors aforesaid, and if any such Retailer, shall refuse to permit any such Collector or their Deputy to enter as aforesaid, to gage, p. 107

Lib. J. R. or take Account of the Liquors aforesaid, such Retailer shall
& U. S. be forthwith forbidden by such Collector to sell by Retail, any of the Liquors aforesaid; and if any Retailer after such Warning given, shall presume to vend, barter, or sell, any of the Liquors aforesaid, such Retailer shall forfeit, besides the Forfeiture of double the Value of such Liquors by him retailed, the sum of twenty Pounds Current Money; to be recovered by Action of Debt, Bill, Plaint, or Information, wherein no Essoin protection, or Wager of Law to be allowed or more than one Imparlance.

Provided always, that there shall be allowed by the Collectors, or their Deputies, unto the several Retailers of the Liquors aforesaid, fifteen p Centum for Leakage or Wastage; and the said Collectors are hereby required to keep true and fair Accounts of all their Doings, in virtue of this Act, which Account they shall lay before the general Assembly of this Province at every Session for their Examination; and the said Collectors and each of them shall half yearly, at Michaelmas and Lady Day, deliver Account, upon Oath, and make Payment to the Commissioners, or Trustees of the Loan Office for the time being of all such Sums of Money as they shall receive by virtue of this Act for the uses above mentioned, and expressed, deducting out of the same ten p Cent, for their Trouble, and Care in collecting and paying the same and deducting also, one Moiety of all the Forfeitures by them recovered, for any Offence committed against this Act, after Charges paid and satisfied.

And be it further Enacted, that every Person, or Persons who, shall after the 20th Day of June aforesaid, sell or dispose of, at one time, the Quantity of fifty Gallons, or upwards, of Rum, Brandy, or other distilled Spirits herein before mentioned, or twenty five Gallons or upwards of Wine, except from Great Britain, shall every three Months or oftener if required deliver to the Collector of the respective County, where the Person to whom he shall sell, or dispose of the same shall reside a List under his Hand expressing the seperate Quantities, and Species of all such Liquors, the Place of Abode and Name of the Person to whom, and the time when sold. And if any such Person shall refuse or delay to deliver such List as aforesaid, he shall forfeit and pay the Sum of five Pounds Current Money for every such Offence, to be recovered in the County where such Offender shall reside, by Action of Debt Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed, one half thereof to be paid to the Informer, or him, or them that shall sue for the

same, with Costs, the other half to be applied as herein after directed: Lib. J. R.
& U. S.

And the said Collectors are hereby required to give public Notice by Advertisements, fixed at convenient public Places, certifying the time of Commencement of the several Duties on Liquors hereby imposed, and full Directions how, and when Entries to be made in pursuance of this Act.

And for the better Discovery of Frauds, and Abuses, Be it further Enacted, that it shall and may be lawful for any Justice of the Peace, of each respective County, and he is hereby required upon Application made by any Collector of the same County, or other Person to summon any Person or persons to appear before such Justice at such time and Place as he shall appoint, to give Evidence upon Oath or Affirmation if a Quaker for discovery of any Frauds and Abuses, which shall be committed against this Act; and if any Person or Persons summoned as aforesaid, shall neglect or refuse to appear & give Evidence, as aforesaid, he, she, or they so offending, shall, for every such Offence be fined by the Justice that issued out the Summons in any Sum not exceeding five pounds Current mony, and be committed to Prison till paid. p. 108

And Be it further Enacted, that all the Forfeitures and Offences, made, done, and committed, against any Clause, or Article, contained in this Act, relating to the Excise except Breaches of Duty in the Collectors, or their Deputies, and where it is otherwise directed, shall be heard, adjudged, and determined by any two or more Justices of the respective Counties, where such Forfeitures shall be made, or Offences committed, and if the Party finds himself aggrieved by the Judgments given by the said Justices, he, or she first entering into Bond with sufficient sureties (such as the Justices by whom such Judgment shall be given shall approve) with the following Condition (to wit) "The Condition of the above Obligation is such, that if the above bound shall & do prosecute the said Appeal with Effect, and also satisfy and pay to the Party suing or informing, the said Sums, and Forfeitures by this Act laid and imposed, in case the Judgment of the said Magistrates shall be affirmed, as well as all and singular such Costs, and Charges that shall be awarded by the Court before whom such Appeal shall be heard, tried and determined; then the above Obligation to be void and of no Effect, else to remain in full Force and Virtue in Law" may appeal to the Justices of the Peace of said County at the next County Court to be held for the respective County where the Judgment shall be given, which Court is hereby authorized and

Lib. J. R. impowered to hear and determine the same, and whose Judgment
& U. S. therein shall be final. Provided always, that no Justice who shall sit on the first hearing of any such Cause shall sit to hear, and determine the same Cause in Case any such Appeal shall happen to be made therein. And the said Justices of the several Counties, within this Province are hereby authorized and strictly enjoined and required, upon any Complaint or Information exhibited and brought of any such Forfeiture made, and Offence committed contrary to this Act except as before excepted) to summon the Party accused, and upon his or their Appearance or Contempt to proceed to examine Witnesses upon the Matters of Fact, and upon due Proof thereof either by Confession of the Party, or by the Oath, or Affirmation if a Quaker, of one or more credible Witnesses, to give Judgment or sentence as before is directed and to award, and issue out Warrants under their Hands and Seals, directed to the Sheriff of the County for the levying of such Forfeiture, Penalties, and Fines, as by this Act are
p. 109 imposed for any such Offences committed, upon the Goods and Chattels of such Offender and to cause Sale to be made of such Goods, and Chattels (if they are not redeemed within five Days) rendering to the parties the Overplus, if any be, the Charges of Distress, and Sale being first deducted; and for Want of sufficient Distress, to imprison the Party offending 'till satisfaction made.

And be it further Enacted, that if the said Magistrate, Collector, or his Deputy or any Constable shall be sued, and prosecuted for any thing done by them in pursuance of this Act, he or they may plead the general Issue, and give this Act and special Matter in Evidence for his or their Justification.

And for Encouragement of persons who shall distill Spirits from any Grain or Fruits of the Growth of this Province, Be it Enacted, that it shall be lawful to and for any Distiller in this Province, to sell to any Retailer, or Retailers, any Quantity of such Spirits of his own distilling, not less than five Gallons to one Person, and to be delivered at one time, making Entries thereof within the space of ten Days with the Collector of the County where he resides, with the Retailers Name and place of Abode to whom sold and number of Gallons, and also at the same time, taking an Oath, or Affirmation if a Quaker, that the same Spirits by him sold, as aforesaid, were bonâ fide, distilled in this Province, and as he is informed and verily believes from Materials of the Growth or Produce thereof, and are clear of all Mixture of Rum, or any other foreign Spirits whatsoever; and the

said Retailer shall account for any pay the Duty thereof to the said Collector, pursuant to the Directions of this Act; any thing herein contained to the contrary notwithstanding

Lib. J. R.
& U. S.

Provided always and be it Enacted, that the Collectors of the Excise aforesaid or any of them, nor their, or any of their Deputies, nor any Person or persons to be appointed in their, or any of their Places, or stead, shall during their Continuance in their or any of their Offices, vend, barter, sell exchange, or trade by Retail in any of the Liquors aforesaid, made exciseable by this Act, under the Penalty of forty Pounds current Mony, to be recovered by Action of Debt, Bill, Complaint, or Information, by any Person who will sue for the same to Effect; one half thereof to the use of the person so suing, the other half thereof to be paid to the Commissioners or Trustees aforesaid to be applied as herein after directed.

And be it further Enacted that every Master of any Ship, Sloop, or other Vessel, their Officers, Sailors, or any other Person for them retailing or consuming any the Liquors aforesaid within this Province, shall, and are hereby required to make the like Entries of, and Payments for the Liquors by them retailed or consumed, as any other Retailer or Consumer in this Province, under pain of incurring the like penalties and Forfeitures as by this Act are before imposed on Retailers, or Consumers for omitting to enter and pay as aforesaid, to be recovered in the same manner as the said Penalties and Forfeitures are by this Act directed to be recovered, against other Retailers, or Consumers of the Liquors aforesaid; and the Collectors, and Deputies, as aforesaid, are hereby impowered directed, and required, to enter into such Ships, Sloops, or other Vessels, to gage, or seize such Liquors in like manner as he or they are impowered and required to enter seize, or gage the Liquors in the Houses, Stores, Cellars, Vaults, Shops or other Places of any the Retailers as aforesaid;

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And for the better collecting the several Duties and Impositions on the Liquor aforesaid that now are, or hereafter shall be in the possession of any the Inhabitants of or Residents in this Province, not being Retailers, and reserved for their own private Use and Consumption Be it Enacted, that every House keeper, Inhabitant or Resident not being a Retailer, who hath in his House Cellar, Vault or other Place any of the Liquors aforesaid, reserved as aforesaid, except Brandy, or other Spirits, made distilled or drawn from Grain or Fruit of the Growth or Produce of this Province, shall and is hereby required on or before the twentieth

Lib. J. R. Day of June, in the year one thousand seven hundred and
& U. S. fifty six, to make a true and perfect Entry upon Oath, or Affirmation if a Quaker, with the Collector or any Magistrate of the County where he shall be resident (a Certificate of which Entry the Magistrate is hereby required as soon as may be, to send to the Collector of each respective County) to the best of his Knowledge of the Quantity of the said Rum, Wine, or Spirits, which at the time of making such Entry shall be in his Possession, and reserved as aforesaid and every such House-keeper, Inhabitant, and Resident, shall, and he is hereby required to account with upon Oath, and pay to the said Collectors, or their Deputies respectively, at or within one Month after Michaelmas, or Lady Day respectively for so much as he shall have consumed, all and every the Duties, Rates, and Impositions above laid on the Liquors in his Possession, and entered with the Collector or Magistrate as above, such Collector making an Allowance of fifteen p: Centum for Leakage on all Liquors in Cask, and not bottled, which shall be so entred.

And Be it further Enacted, that when and as often as any House keeper, Inhabitant or Resident, shall after the twentieth Day of June next, purchase, or take into his her or their House, Cellar, Vault, or other place, or reserve, or lay by, any further, or other Quantity of Wine, Rum, or other Spirits, except as before excepted, and except Liquors purchased from any Retailers, under the Quantities herein before limited, for his, her, or their own private use, or Consumption, he she or they shall within one Month after purchasing, or receiving such Wine, Rum, or other Spirits into his, her, or their House, Cellar, Vault, or other place or reserving or laying by as aforesaid, for the Use aforesaid make true and perfect Entry on Oath, or Affirmation if a Quaker, of the quantity of all such Wine, Rum, and other Spirits so bought and received, or reserved and laid by & shall within one Month after such Entry made pay unto the Collector of the County, where he, she, or they reside, or his Deputies for such Wine Rum, and other spirits, the several Rates and Duties, directed by this Act, such Collector making Allowance for Leakage, as aforesaid,

p. III And Be it further Enacted, that if any Person or Persons whatsoever, not being a Retailer or Retailers, shall after the twentieth day of June aforesaid presume to consume or make Use of in any manner whatsoever, any Rum, Wine, or other Spirits as aforesaid without having first made such Entry, on Oath, or Affirmation if a Quaker, or shall not account and pay as aforesaid, for such Liquors, or shall

thereafter purchase, or bring into his her or their House, Cellar, Vault, or Store, or reserve or lay by as aforesaid, for the use aforesaid any quantities of the said Liquors, except as before excepted, and shall not within one Month thereafter, make Entry on Oath, or Affirmation if a Quaker, as aforesaid of the quantity of such Liquor, and pay the Duty thereon, as aforesaid: such Person, or Persons so offending shall forfeit and pay the sum of twenty Pounds Current Money, to be recover'd by Action of Debt, Bill, Plaint, or Information, wherein no Essoin, Protection, or Wager of Law shall be allowed, nor more than one Imparlance. Provided always, and be it Enacted by the Authority aforesaid, that every House-Keeper or Resident, not being a Retailer, who shall not choose to make Entry, account for and pay to the said Collector the Duties aforesaid, in manner aforesaid, shall, and may pay to the said Collector half yearly, at Lady Day and Michaelmas the Sum of twenty Shillings Current Money, in lieu of the said Duties, and in default thereof the said Collector shall collect, and levy the said Sum in manner and form as by this Act is before directed, in Case of Retailers neglecting or refusing to pay the Duty aforesaid by the Space of ten Days after the same ought to be paid.

And whereas the Duty of two pence p: Gallon on all Madeira Wine imported into this Province by an Act of Assembly intituled An Act for his Majestys service made at a Session of Assembly begun and held at the City of Annapolis, the seventeenth Day of July, seventeen hundred and fifty four, is directed to be paid & applied, towards replacing the sum of six thousand pounds by that Act directed and delivered to be paid out by the Commissioners for emitting Bills of Credit establish'd by Act of Assembly which Duty of two Pence p Gallon by this Act is taken off, by means whereof the said Sum of six thousand pounds will not be repaid and replaced as soon as by the said Act was intended.

Be it therefore Enacted, that the Sum of two pence p Gallon, part of the six pence p Gallon by this Act imposed on all Madeira Wine hereafter to be imported, which shall be retailed or consumed shall by the several Collectors of Excise established by this Act be paid to the said Commissioners, to be by them applied towards replacing the said Sum of six thousand Pounds, until the said Sum of six thousand Pounds is repaid and replaced, by the Rates and Duties by the aforesaid Act imposed; and that thereafter the whole Duty of six Pence, on all Madeira as aforesaid shall be paid and applied as by this Act is before directed.

Lib. J. R.
& U. S.
p. 112

And be it further Enacted that so much of the said Act as relates to the imposing a Duty on all Madeira Wine, to be imported into this Province shall be, and is hereby repealed and utterly made null and void.

And Be it further Enacted that all and every the Writs hereafter mentioned which from and after the first Day of June next shall be issued out of any of the Courts in this Province, and in every Appeal prayed in any of the said Courts, before the Clerks of the same Courts shall deliver out of his, or their Offices any of the said Writs and before such Appeal shall be entred of Record there shall be paid by the Person or Persons suing out such Writs, or praying such Appeal to the Clerk of the same Court who shall issue such Writ, or where such Appeal shall be prayed, the several and respective Rates, and Duties following (to wit) for every Appeal prayed, or Writ of Error Habeas Corpus, or Certiorari, sued out the sum of two Shillings and six pence Current Money: for every Writ of Entry, sur disseizin en le port, sued out the Sum of five Shillings Current Money; for every original Writ issuing out of the Court of Chancery, except Writs of Entry, one Shilling Current Money; for every Subpoena issuing out of the Court of Chancery, one shilling Current Money; for every Capias ad respondendum, in civil Actions issuing out of the Provincial Court, one shilling Current Money; for every Capias ad respondendum, in civil Actions, issuing out of the County Courts, six pence Current Money; and for every Citation issuing out of the prerogative Court, one Shilling Current Money,

And be it further Enacted, that on all and every Indenture, Conveyance, Lease or Deed poll, which shall after the first Day of June next be delivered to the Clerk of the Provincial Court, or to any of the Clerks of the County Courts within this Province for the time being to be recorded, there shall be paid by the person or Persons requiring the same to be recorded to the Clerk of the same Court to whom the same shall be delivered, before he shall record the same the Duty of one Shilling in Bills of Credit, and the several and respective Clerks aforesaid, are hereby obliged and required to take, and receive the same.

And be it further Enacted that all and every Charter Party, Bond, Bill, or other obligatory Instrument, under the Seal of the Party, except those taken in the Loan Office, and all and every Protest, or other notarial Act, and Letter of Attorney which shall, after the twentieth Day of June next, be made in this Province, shall be made and wrote on Paper or Parchment, which before the Writing thereon shall be

stamped by some County Clerk within this province, with the Seal of the Court whereof he is Clerk, and whereon such Clerk hath wrote "Duty paid," and signed his Name for each and every of which Stamps and Certificates, the Person, or persons, requiring the same, shall pay unto the Same Clerk the Sum of six pence in Bills of Credit, to & for the Uses in this Act mentioned. Lib. J. R.
& U. S.

p. 113

And Be it further Enacted that the several and respective County Clerks within this Province for the time being shall be and are hereby obliged, and directed, upon Application to him or them made, and payment of six pence in Bills of Credit for each Seal and Certificate as aforesaid, to stamp with his, or their respective County Seals, as many Sheets, and pieces of Parchment and Paper as shall be required, and shall, and are hereby obliged and directed to receive and take for each seal and Certificate the aforesaid Sum of six Pence in Bills of Credit, to and for the uses in this Act mentioned.

And be it further Enacted, that all and every Charter Party, Bill, Bond, or other Obligatory Instrument, under the Seal of the party, and all and every protest or other notarial Act, and Letter of Attorney which shall after the twentieth Day of June next be made in this Province, and shall be wrote on any Parchment or paper, which at the time of the making and executing thereof, shall not be stamped and certified in manner aforesaid, by some County Clerk in this Province, shall be utterly void & of no Effect, and shall not be pleadable, or admitted in Evidence in any Court of this province, or before any Magistrate; any Law Usage or Custom to the contrary notwithstanding.

And be it further Enacted that all and every the several, and respective Clerks of the several and respective Courts aforesaid, for the time being, during the Continuance of this Act, who shall deliver out of his, or their Office, or Offices, any of the writs afores^d or record any Indenture, Conveyance, Lease, or Deed Poll before the Duty afores^d thereon hath been paid, such Clerk, or Clerks shall be liable to, and obliged to pay all such Duties, which he, or they hath, or have so neglected to receive.

And be it further Enacted, that the several and respective Clerks, of the several and respective Courts aforesaid for the time being, shall, and are hereby obliged and required, twice in every Year during the Continuance of this Act to make out upon Oath, true, and distinct Accounts of all the Monies which he shall receive by virtue of this Act, and the same Accounts so made out shall return under their Hands to the Commissioners of the Loan Office, for the time being on the

Lib. J. R. twenty fifth Day of July, and the twenty fifth day of Feb-
 & U. S. ruary in each Year and shall account with and pay unto
 the said Commissioners of the Loan Office from time to time,
 all such Sums of Money which they shall respectively receive
 by virtue of this Act, retaining to his, and their own use, a
 Commission of two Pounds, ten Shillings p. Centum and no
 more, which shall be in full for all the Services aforesaid,
 and the Commissioners of the Loan Office, for the time
 being, shall, and are hereby directed and required to keep
 p. 114 separte and distinct Accounts of all such Sums of Money,
 which they from time to time shall receive by virtue of this
 Act.

And Be it further Enacted, that the Office Bonds of the
 several and respective County Clerks, and their securities in
 such Bonds, shall be answerable for & put in Suit for any
 Breaches of their Duty committed against this Act.

11th August 1756

His Excellency having received his

By his Excellency Horatio Sharpe Esquire
 Governor and Commander in chief in and
 over the province of Maryland.

A Proclamation

Whereas I have received his Majesty's Declaration of War
 against the french King given at the Court of Kensington
 the 17th Day of May 1756: in the 29th year of his Majestys
 Reign, a Copy whereof is hereunto annexed and also a
 Letter from the Right Honourable Henry Fox Esquire one
 of his Majesty's principal Secretarys of State, signifying
 that it is his Majesty's pleasure, I should cause the said
 Declaration to be proclaimed in the Places under my Govern-
 ment, I have therefore thought fit with the Advice of his
 Lordship's Council of State to publish this my proclamation
 notifying the said Declaration to all his Majesty's Subjects,
 and strictly charging & requiring the several Sheriffs of the
 respective Counties of this province at the most publick places
 in their said Counties as soon as conveniently may be with
 all solemnity possible to proclaim and publish the same, and I
 do hereby further will and require the several Sheriffs of this
 Province to give notice to the Magistrates of their respective
 Counties as soon as possible to meet and appoint a Day for
 publishing his Majesty's said Declaration, and this my Proc-
 lamation, And I hereby also command the several Sheriffs
 & all others his Lordships Officers, both civil, and military,
 as also the Militia of the respective Counties to attend in the

handsomest manner at the time so appointed for performing the same: Given at the City of Annapolis this 11th Day of August in the sixth Year of his Lordship's Dominion, Annoq Domini 1756. Lib. J. R.
& U. S.

J Ross Cl: Con.

His Majestys Declaration of War against the French King: p. 115

George R:

The unwarrantable proceedings of the French in the West Indies, and North America since the Conclusion of the Treaty of Aix la Chapelle and the Usurpations and Encroachments made by them upon our Territories and the Settlements of our Subjects in those parts, particularly in our province of Nova Scotia, have been so notorious and so frequent, that they cannot but be looked upon as a sufficient Evidence of a formed Design and Resolution in that Court, to pursue invariably such Measures, as should most effectually promote their ambitious Views, without any Regard to the most solemn Treaties and Engagements. We have not been wanting on our part, to make, from time to time, the most serious Representations to the French King, upon these repeated Acts of Violence and to endeavour to obtain Redress and Satisfaction for the Injuries done to our Subjects; and to prevent the like Causes of Complaint for the future, But though frequent Assurances have been given that everything should be settled agreeable to the Treaties subsisting between the two Crowns, and particularly that the Evacuation of the four neutral Islands in the West Indies should be effected (which was expressly promised to our Ambassador in France) the Execution of these Assurances, and of the Treaties on which they were founded, has been evaded under the most frivolous pretences; and the unjustifiable practices of the French Governours, and of the Officers acting under their Authority were still carried on 'till at length in the Month of April One thousand seven hundred and fifty four they broke out in open Acts of Hostility when in time of profound peace without any Declaration of War, and without any previous Notice given, or Application made a Body of French Troops under the Command of an Officer bearing the French King's Commission attacked in a hostile manner and possessed themselves of the English fort on the Ohio in North America

But notwithstanding this Act of Hostility which could not but be looked upon as a Commencement of War yet from our earnest Desire of Peace, and in Hopes the Court of

Lib. J. R. france would disavow this Violence, and Injustice, we con-
 & U. S. tented ourselves with sending such a Force to America as
 was indispensably necessary, for the immediate defence and
 Protection of our Subjects, against fresh Attacks and In-
 sults:

In the meantime great naval Armaments were preparing,
 in the ports of France, and a considerable Body of french
 Troops embarked for North America; and though the french
 Ambassador was sent back to England with specious pro-
 fessions of a Desire to accomodate these Differences, yet it
 appeared, that their real design was only to gain time for the
 passage of those Troops to America, which they hoped would
 p. 116 secure the superiority of the french forces in those parts,
 and enable them to carry their ambitious and oppressive pro-
 jects into Execution.

In these Circumstances we could not but think it incum-
 bent upon us to endeavour to prevent the Success of so dang-
 erous a Design, and to oppose the Landing of the french
 Troops in America, and in consequence of the just and neces-
 sary Measures we had taken for that purpose, the french
 Ambassador was recalled immediately from our Court: the
 fortifications at Dunkirk which had been repairing for some
 time, were enlarged; great Bodies of Troops marched down
 to the Coast; and our Kingdoms were threatned with an
 Invasion

In Order to prevent the Execution of these Designs, and
 to provide for the Security of our Kingdoms, which were
 thus threatned we could no longer forbear giving Orders
 for the seizing at Sea the Ships of the french King, and
 his Subjects: Notwithstanding which as we were still un-
 willing to give up all Hopes that an Accommodation might
 be effected we have contented ourselves hitherto with detain-
 ing the said Ships, and preserving them, and as far as was
 possible their Cargoes entire, without proceeding to the Con-
 fiscation of them; but it being now evident by the hostile
 Invasion actually made by the french King of our Island of
 Minorca, that it is the determined Resolution of that Court
 to hearken to no Terms of Peace, but to carry on the war
 which has been long begun on their Part, with the utmost
 Violence, we can no longer remain, consistently with what we
 owe to our own Honour and to the Welfare of our Subjects
 within those Bounds, which, from a Desire of Peace, we had
 hitherto observed.

We have therefore thought proper to declare War; and we
 do hereby declare War against the French King, who hath
 so unjustly begun it, relying on the Help of Almighty God

in our just Undertaking, and being assured of the hearty Concurrence & Assistance of our Subjects in support of so good a Cause; hereby willing and requiring our Captain General of our forces, our Commissioners for executing the Office of our high Admiral of Great Britain our Lieutenants of our several Counties, Governors of our Forts and Garrisons, and all other Officers and Soldiers under them by Sea and Land to do and execute all Acts of Hostility, in the prosecution of this War against the French King his Vassals and Subjects and to oppose their Attempts: willing and requiring all our Subjects to take notice of the same whom we hence forth strictly forbid to hold any Correspondence or Communication with the said French King or his subjects. And we do hereby command our own Subjects, and advertise all other persons of what nation so ever not to transport or carry any Soldiers, Arms, powder, Ammunition or other contraband Goods to any of the Territories, Lands, Plantations, or Countries of the said French King; declaring that whatsoever Ship or Vessel shall be met withal transporting or carrying any Soldiers, Arms, powder, Ammunition, or any other contraband Goods, to any of the Territories, Lands, Plantations, or Countries of the said French King, the same being taken shall be condemned as good and lawful Prize.

Lib. J. R.
& U. S.

And whereas there are remaining in our Kingdom divers of the Subjects of the French King, we do hereby declare our Royal Intention to be that all the French Subjects who shall demean themselves dutifully towards us shall be safe in their persons and Effects.

Given at our Court at Kensington, the 17th day of May 1756, in the 29th Year of our Reign: God save the King.

At a Council held at the City of Annapolis on Monday the 23^d Day of August, in the sixth year of his Lordship's Dominion Annoque Domini 1756. p. 117

Present

His Excellency Horatio Sharpe Esquire Governour the honourable Benjamin Tasker Esquire, and Col: Tasker.

Answers to the Queries that were sent by Order of the Right honourable the Lords of Trade and Plantations, to the Lieutenant Governor of Maryland.

Maryland is situated on both Sides of Chesapeak Bay between the Province of Pensilvania, and Dominion of Virginia, that part of it that lies to the Eastward of the Bay is a flat, level Country, the western part is more hilly, and

Lib. J. R. about one hundred and forty miles inland from the Bay
 & U. S. grows pretty mountainous, the whole Country is well watered, and abounds with fine navigable Rivers, the soil varies as it does in England, in general is fertile, and produces every kind of Grain as well as Hemp flax, and Tobacco. The Summers here are sometimes very warm, the Winters short, but often very cold, the longest Day in this Climate is about fourteen Hours fifty Minutes, the shortest about nine Hours and nine Minutes. Annapolis the Metropolis of this province by the best Observation yet taken has been found to lie in the thirty eight Degrees forty eight Minutes North Latitude and by Computation is about seventy six Degrees, thirty Minutes West longitude from London. The Spaniards have no Settlements near the Borders of Maryland, the French fort du Quesne on the Ohio is supposed to be 70 Miles from its North West Extremity. By the Charter granted to Cecilius Lord Baltimore by King Charles the first the 20th of June in the 8th year of his Reign Maryland is thus described "All that part of a peninsula between the Ocean on the East and the Bay of Chesapeake on the West, and divided from the other part thereof by a Right Line, drawn from the promontory or Cape of Land called Watkins' point (situate in the aforesaid Bay near the River Wighco) on the West, unto the main Ocean on the East, & between that Bound on the South, unto that part of Delaware Bay or River on the North which lieth under the fortieth Degree of Northerly Latitude from the Equinoctial where new England ends, and all that Tract of Land between the Bounds aforesaid, that is to say passing from the aforesaid Bay or River called Delaware in a right Line by the degree aforesaid unto the true Meridian of the first fountain of the River Powtowmack, and from thence tending towards the South unto the further Bank of the

p. 118 aforesaid River and following the West and South Side thereof unto a certain place called Cinquack situate near the mouth of the said River where it falls into the Bay of Chesapeake, and from thence by a straight Line unto the aforesaid promontory or place called Watkins' point.

Concerning that part of the peninsula which lies to the Eastward, a Dispute is now depending between the Lord Baltimore, and Messieurs penss proprietaries of pensilvania nor are the Boundaries on the northward as yet fixed between Maryland and pensilvania but a temporary Line for the present quieting the Disturbances on the Borders of each province hath been run by Order of his Majesty from the East Side of the River Susquehanna Eastward, and from the West Side of Susquehanna Westward, in such a manner as that the Line ran Eastward from Susquehanna is fifteen

Miles, and a Quarter due South and the Line that runs West from Susquehanna is fourteen Miles and three quarters due South from Philadelphia. Lib. J. R.
& U. S.

The Constitution of the Government is founded on the above mentioned Royal Charter, the legislative power is in the Governour, the upper House which is composed of 12: Councillors, and the lower House of Assembly which consists of the Delegates of the people 58 in number.

The Trade of this province consists chiefly in the Exportation of Tobacco to Great Britain in Vessels, annually sent hither from thence to the Number of about 180 of the Burthen of about 10000 Tons, navigated with about 1600 Men.

The Vessels owned by the Inhabitants of the province are not above 60 navigated with about 480 Men, and of two thousand Tons Burthen most of these are chiefly employed in the West India Trade, but, as that is not a very profitable one there is no great probability of the Number of such Vessels being increased.

The Inhabitants take annually from Great Britain all sorts of fine and coarse Woolens, and Linens, great quantities of wrought Leather and wrought Iron, and almost all Kinds of British Manufactures. the quantities of each cannot be ascertained by reason the same is consigned or shipped to a great Variety of persons but it is supposed that the Goods which are sent hither annually from England cost us £150.000

There are a great many Iron Mines, and several of them very good; eight Furnaces for making pig Iron, and nine fforges for making Bar Iron. There are great shews of Copper in many places, but thô several Attempts have been made to discover Veins of that Metal, none has been yet made that quitted Cost; p. 119

The Number of white Inhabitants is 107963, of Blacks and Mulattoes 46225; in the year 1748 the Whites were about 94000, and Blacks 36000, since that time near 2800 Germans have been imported, and perhaps 5000 souls from Great Britain and Ireland.

The Number of the Militia is 16500, but as they are for the most part quite unprovided, or very ill supplied with Arms, and for want of a good Militia Law, not properly regulated, they are not very formidable.

Strong places of Defence within this Government there are none. Fort Cumberland where the Troops commanded by General Braddock rendezvoused, and encamped before they marched against the Enemy last Summer is in this province

Lib. J. R. but it does not merit the Name of a ffortress, neither can
& U. S. it ever be made tenable

There are about 140 Indians in Maryland who reside in the populous parts of the Country on several Tracts of Land that have been reserved for their Use since the English first settled here, these domestic Indians are well inclined and live in good Harmony with the Inhabitants.

The Shawanese, Delaware, and Susquehanna Tribes, many of whom lived lately in Pensilvania, and the rest on the Ohio are all that can be called neighbouring Indians, they have been computed at about 700, or 800, but as the pensilvanians have been more conversant with these people Governour Morris will give a more exact Account of them. 'till last Summer they have been always esteemed Friends to the English but since the Action of the Monongahela they have attached themselves to the ffrench, and depopulated the Frontiers of this and the two adjacent provinces.

What is the strength of the ffrench on the Ohio at this time we cannot learn; it has been said by Deserters thence last Spring that their Garrisons on that River consisted of 1000 regular Troops, and that they are about to settle some Colonies under their protection. what the Consequences of their executing such a Scheme will be, and how these Colonies must be affected thereby is too well known to your Lordships for me to notice it.

The Revenue within this Government arises and is appropriated by several Acts of Assembly (viz^t) ever since 1661 a Port Duty of 14^d p: Ton, on all Ships and Vessels trading into this province has been due to and received by the Right honourable the Lord proprietary thereof. From the payment of this Duty Ships and Vessels wholly belonging to the Inhabitants, are exempted.

p 120 Ever since the year 1714. 3.. p: Ton on all Vessels as above has been collected for the use of the Governor for the time being.

In 1704 a perpetual Law was made to raise 12^d a Hhd: upon Tobacco for the Support of Government.

At the same time was made another perpetual Law whereby twelve pence Current Mony was laid on every 100^{lb} of dried Beef, and Bacon, the like sum on every Barrel of Pork, and Beef undried, exported by any persons not Inhabitants, these Duties are applied to the maintaining a Free School.

In 1715 was imposed and has been ever since collected for the Use of the Publick 3^d p: Gallon, on all Rum, Wine, Brandy, and Spirits, 20/ p.. Poll on Negroes and Irish Servants being papists, imported; if the Importation be made in

Vessels belonging to the Inhabitants, these Duties except the 20/ on Irish Servants are not payable. Lib. J. R.
& U. S.

In 1717 an additional Duty of 20/.. p poll on Irish servants, being Papists, and an additional duty of 20/: Currency p.. poll on negroes imported was laid to raise a ffund for the support of public Schools within this province the Act imposing these Duties, continues in force.

In 1723.. a Duty of 12^d a Barrel, and 6^d p.. 100^{lb} of Pork, 12^d on each Barrel of Pitch, and 6^d on every Barrel of Tar imported by any other than Inhabitants of this province, was laid, and has been ever since collected for the use of the ffree schools.

In 1732 an Act was passed whereby a Duty of 15^d sterling was laid on every Hhd. of Tobacco, which shall be exported during the Space of thirty one Years next ensuing the 29th day of September in the year aforesaid for supporting the Credit of, and sinking £90000 emitted and then made Current in Bills of Credit.

In 1754 two Acts of Assembly passed for granting £500.. to be given as a Present to the Indians of the six Nations that should meet the Comm^{rs} who in Obedience to his Majesty's Commands went from these several Colonies to enter into a Treaty of peace with them and £6000, Current Mony for promoting an Expedition against Fort du Quesne.

The ordinary Expences of Government, for the Support of the Courts of Law paying an Allowance to the Council and the Houses of Assembly during their Attendance on the Service of the publick are uncertain, extraordinary Expences being only such as were provided for by the above mentioned Acts of 1754 have hitherto happened very rarely and cannot be estimated.

The Establishments as well civil as military depend on the powers granted by the Royal Charter to the Lord Baltimore, under whom all the Officers, except the Collectors and Surveyors of his Majesty's Customs hold their places. p. 121

The following Letter being prepared is approved of, ordered to be entred and sent to the Commanding Officer of the Militia in Baltimore County.

Annapolis 23^d August 1756.

S^r

As some Letters which I have just received makes such a Step expedient and necessary, I do with the Advice of his Lordships Council require you on your receipt of this, to order an Officer with a Detachment of thirty Men from the Militia of your County to proceed with all possible Expedition

Lib. J. R. to ffort ffederick on the North Mountain where they will
& U. S. be joined with two parties from the Militia of prince Georges
and Frederick Counties with whom they are to act in Con-
junction the senior Officer of the said three Parties, taking
the chief Command; they are to march by the Way of
Baker's Fort and not to advance beyond ffort ffederick,
but to act and dispose of themselves, as the Officers shall
judge best for the protection of the Inhabitants between that
ffort and Conegocheige: ffrom their Arrival at ffort ffred-
erick, they will be supplied with Ammunition by the Com-
mandant, and with provisions by M^r Geo: Ross Commissary
who will deliver it to them, either there or at Baker's Fort.
ffor provisions and other Necessaries on their March the
Officer of the party is to apply to the several press Masters
who are hereby required to see them properly supplied,
agreeable to the Act of Assembly of this province for the
better regulating the Militia &c.. This Letter you are to
deliver to the Officer whom you shall appoint to march with
your Detachment for his better Guidance, and he is to return
it again to you with a particular Journal of his proceedings,
during the Month that he is to continue on the Frontiers,
unless he should receive my Orders to return home within
that time;

I am S^r Your humble servant

P.. S.. A Supply of Arms and
Ammunition if wanted may
be had at Frederick Town by
applying to M^r Dixon

To Colonel Hall Commander in Chief of the Militia of
Baltimore County.

p. 122 At a Council held at the City of Annapolis on Wednesday
the 25th Day of August, in the 6th year of his Lordships
Dominion, Annoque Domini 1756.

Present

His Excellency Horatio Sharpe Esquire Governour.

the { Benjamin Tasker Esq^r } Philip Thomas Esq^r
honourable { Colonel Benjamin Tasker } Benedict Calvert Esq^r

His Excellency is pleased to lay before this Board the
following Letters.

Whitehall 13th March 1756.

S^r

The Earl of Loudoun whom the King has appointed,
Comm^r in Chief of all his Forces whatsoever in North

America being preparing to set out with all Expedition together with two Regiments of Foot, a Train of Artillery, and a sufficient quantity of Warlike Stores, which his Majesty has been pleased to order for the public Service in those parts: I am commanded to signify to you the Kings Pleasure, that you should be ready to give his Lordship, and the Troops from England, all the Assistance in your power on their Arrival in North America agreeable to the Orders sent you in Sir Thomas Robinson's Letter of the twenty sixth of October 1754.. and you will correspond with and apply to the Earl of Loudoun on all Occasions in the same manner as you were directed to do with the late General Braddock, and Major General Shirley.

Lib. J. R.
& U. S.

It being of great Importance, to the Kings Service that all possible ffacilities should be granted for the Encouragement of such persons, as may be inclined to enlist in the King's Troops, it is his Majestys pleasure that you should particularly recommend it to your Assembly to make provision out of such Funds as already exist, or may hereafter be raised for the King's Service, for repaying the Masters of such indented Servants as shall engage in his Majesty's Service, the Mony paid by the said Masters upon the original Contract, in proportion to the time such indented Servants have to serve, and you will at all times discourage the harbouring, concealing, or assisting such as shall desert the Service, and also use all means for discovering and apprehending such Deserters. you will likewise use your best Endeavours to prevail on your Assembly to appropriate such parts of the Funds now raised or which shall be raised for the public Service to be issued and applied to the General Service in such manner as the Commander in chief shall p. 123 direct.

The King would have you recommend it in the strongest manner to your Council and Assembly to pass effectual Laws for prohibiting all Trade and Commerce with the ffrench, and for preventing the Exportation of Provisions of all Kinds to any of their Islands or Colonies.

I am S^r your most obedient humble Servant
H.. Fox

Whitehall 13th March 1756..

S^r

I have acquainted you in my Letter of this Date, with the King's having appointed the Earl of Loudoun to be Commander in Chief of all his Majesty's Forces in North America, but as it will be some time before his Lordship, or Major

Lib. J. R. General Abercrombie (who is to be the next in Command to
& U. S. him) can set out from hence, the King has directed Colonel Webb (who will forward this Letter to you) to embark immediately for North America, & to take upon him the Command of the Forces there 'till the Arrival of Lord Loudoun, or Major General Abercrombie, you will therefore correspond with Colonel Webb, and give him all necessary Lights, and Assistancess in the same manner you were directed to do to the late General Braddock.

It having been represented that a considerable Number of the foreign Settlers in America might be more willing to enter into the Kings service if they were commanded by Officers of their own Country, An Act of parliam^t has been passed of which I send you inclosed a printed Copy, enabling his Majesty to grant Commissions to a certain Number of German, Swiss and Dutch protestants, who have served as Officers or Engineers, and as they have already engaged, they will embark with all Expedition, in order to assist in raising and commanding such of the foreign protestants in North America, as shall be able and willing to serve with the rest of the Forces upon this Occasion; and it is the Kings pleasure that you should give any of the said Officers who should come into your Government all the Assistance in your Power in the Execution of this Service.

p. 124 It being of the greatest Importance that his Majesty should in the present situation of Affairs be truly and exactly informed of the real State of Defence of all his Colonies in America, as well in relation to the Ordnance and Stores of War which are in each Colony respectively, as to the Forts and Fortifications, and the Number of their Inhabitants, It is the King's pleasure that you should prepare, and transmit to the Earl of Loudoun or to the Commander in chief of his Majesty's Forces for the time being, an exact and particular Account thereof, with respect to the Colony under your Government, in which you are to express the present actual State and Quantity of the Cannon, small Arms, Ammunition and other Ordnance and military Stores, belonging to the said Colony, either in the public Magazines, or in the possession of the Militia, or other private persons together with the true State of all Places, either already fortified, or which you judge forthwith necessary to be fortified, with your opinion at large in what manner his Majesty may further contribute to the Security and Defence of the said Colony, and also as exact an Account as you can obtain, of

what Number the Militia is composed, and how armed, mustred, and trained. Lib. J. R.
& U. S.

I am Sir.. Your most obedient humble servant
P. S. Your Letter of H.. Fox
Oct^r 8th has been
received.

New York 23^d July 1756.

S^r

His Majesty having been graciously pleased to appoint me, by his Commission under the great seal to be General and Commander in chief of all his Forces in North America. I take this first Opportunity to acquaint you of my Arrival this Morning; As I have been unfortunately so long detained in my passage I find it indispensably necessary that I go up immediately to the Army. I must proceed accordingly. I herewith send your Honour the Letters of M^r Fox his Majesty's Secretary of State, and of the Earl of Halifax his Majesty's first Lord Commissioner of the Board of Trade. I do from your Zeal and Attachment to his Majesty's Service, and from the Loyalty and good Dispositions of your people, depend upon all Assistance, that the State & Circumstances of your Province is able to give me.

I will beg your Honour to assure the good People of your Province, that they may depend upon my protection, and my utmost Care to avoid and remove (as far as the Circumstances of a Country become the Seat of War will admit) every thing that may any way burthen, or hurt the Interest of any Individual.

I shall on all Occasions, and in every thing relative to the Service and Interest of the Colonies communicate with your Honour, and beg at all times to be favoured from you with all Matters of Advice and Intelligence relative to the same, and shall impatiently expect the Returns you are directed to send. I beg you to be assured, that I am with the highest Esteem

S^r Your Honours most obedient and most
humble Servant

Loudoun

The honble Horatio Sharp Esq^r

Grosvenor Square May 11th 1756.. p. 125

S^r

This Letter will be sent you by the Earl of Loudoun whom his Majesty has appointed Captain General of his Forces in North America, a post of so high and important a Nature, that it might appear a sort of presumption in me to say any

Lib. J. R.
& U. S.

thing of the Character that fills it, if I was not so well acquainted with it. the deference and Obedience you owe to his Majesty's Appointment will of Course dispose you to co-operate in every thing his Lordship shall propose, for his Majesty's Service and therefore I can have Nothing to recommend to you on that Head, but as a Friend of his Lordships' I must indulge the pleasure of assuring you that his Lordships natural Disposition and amiable qualities leave me no Room to doubt but that you will have the greatest Satisfaction in carrying on the public Business with him. The Events of the ensuing Campaign, in which the Interest, Honour and Safety of his Majesty's American Dominions, are so deeply concerned are in the Hands of Providence; but his Majesty as far as he has been able to provide for the Success of his Arms by the choice of a General seems to have done it in the Appointment of the Earl of Loudoun. A great Empire is to be fought for, and one in which his Majesty's Subjects, if they exert themselves with the Vigour they ought to do, have (I thank God) a manifest superiority that their Minds may be wholly intent upon the great Business in Hand, and in no Degree diverted by Considerations of a lesser Moment from the important Object in View, it is the Duty of the Governours of all his Majesty's provinces (and I earnestly recommend it to you) to use their utmost Endeavours in suppressing and preventing any partial provincial Altercations, Jealousies, or Disputes which may impede and obstruct the just and vigorous Measures his Majesty is pleased to pursue in maintenance of his just Rights, the Honour of his Crown and the Security of his Subjects.

I am S^r your most obedient, and humble Servant
Dunk Halifax

London March 9th 1756:

Dear Sir

p. 126 I have the Pleasure to deliver this to the Earl of Loudoun, and to inform you of the Happiness his Majesty has done America by his Appointm^t of his Lordship Commander in chief of all his Forces there his Lordship's real Merit is so well known and acknowledged as needs no Illustration. My Desire is, and seriously require of you my Lieutenant Governor, that you do not fail in Obedience to his Majestys Commission to his Lordship, and to the Importance and Service thereof, and that you in every thing with fidelity will render yourself and incite the Legislature of Assembly in the province to give all Aid and Supply requisite, and to require the Magistrates and Officers military as well as all other persons

strictly by Duty and Allegiance to his Majesty to conform themselves with Service, that his Lordship thereby may be enabled to carry on with Vigour his Majesty's Service against the common Enemy the Invaders of his Majesty's Crown and Dignity. wishing you Health and Happiness, I am with Esteem

Lib. J. R.
& U. S.

Your affectionate Friend
Baltimore

Post^t An Act of Parliament being passed to enable his Majesty to grant Commissions to foreign Officers to rank in America, and to raise four thousand Men there for the defence of the Colonies; and being sensible of the great Utility and Advantage that must accrue by such a Force, I therefore desire that you'll exert yourself in the enlisting of the Force under the Command of his Lordship.

Upon reading the said Letters it is the Advice of this Board that the present general Assembly of this Province which stands prorogued to the first Monday in January next do meet at the City of Annapolis on the first Monday in October next, and proclamations issued accordingly.

Maryland ss: By his Excellency Horatio Sharpe Esquire
Governor and Commander in Chief in and
over the province of Maryland.

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to the first Monday of January next, and whereas his Majesty's Commands signified to me by the Right Honourable Henry Fox Esquire, one of his Majesty's principal Secretary's of State make the meeting thereof absolutely necessary before that time I have therefore thought fit with the Advice of his Lordships Council of State to publish and declare, and I do hereby publish and declare that the said General Assembly meet and be held at the City of Annapolis the first Monday in October next, and to the Intent that all persons concerned may have due Notice thereof I do hereby strictly charge and require the several Sheriffs of this Province to make this my proclamation publick in their respective Counties in the usual manner, as they will answer the Contrary at their peril. Given at the City of Annapolis this 25th day of August in the sixth year of his Lordships Dominion Annoque Domini 1756:

p. 127

J Ross Cl: Con.

Lib. J. R. To all Officers as well Civil as Military, in and of the
& U. S. Province of Maryland and particularly those of Frederick
and Baltimore Counties.

It having been signified to me by one of his Majesty's principal Secretaries of State that our most gracious Sovereign for the better Defence of these his American Dominions has been pleased to grant Commissions to a certain number of English, German, Swiss, and Dutch Officers to raise Men in these Colonies for the Royal American Regiments commanded by the Right honourable the Earl of Loudoun, I have thought proper to give you, and all the Inhabitants of this province Notice thereof, and I do hereby require you, and recommend it to all persons within this Government to promote his Majestys Service, and to contribute as much as is in your Power towards compleating the aforesaid Regiment by countenancing and encouraging the recruiting Parties that may be sent into this province, and at the same time not doubting but that without this Order you would unanimously endeavour to answer his Majestys Expectations and demonstrate your Loyalty on this important Occasion
Given at ffort ffederick
the 16th of July 1756:

S^r

I am enjoined by my Instructions upon any Difficulty that arises in the recruiting Service to make my Application to the Governour of the province or Colony where I happen to be.

I have met with Opposition from some people in these quarters which I apprehend to be a just Matter of Complaint, and I doubt not the persons concerned will be severally reprehended by your Excellency.

My recruiting Serjeant sometime in July last, was attacked by M^r Cha^s Ridgley and a number of others his Accomplices, and had six Recruits taken from him by fforce and Arms, who had each received his Majesty's Bounty, on pretence that these Recruits were indented Servants which turns out not to be the Truth as to all of them; besides threatning the serjeant and the Party to have them whipt out of Town.

About a Fortnight since M^r Joseph Watkins with a number of Men armed with Clubs rescued another Recruit from my Serjeant in his Way from Joppa to this Town.

I applied to M^r Bordley the Attorney General who I imagined I should find very ready to join with me in a public Resentment of this Method of proceeding by prosecuting the Parties concerned, but by what I could gather from my Con-

versation with him he makes light not to say justifies Attempts of this Sort—he put a Case not very much to the Honour of the Recruiting Service; suppose a Man steals a Horse..

Lib. J. R.
& U S.

If through Mistake, or in a disputable point as this seems to be among the Inhabitants, whether the King has not a prior Right to the Service of his Subjects to any after Obligation they may lay themselves under; especially in Cases of great Necessity, any Man's legal Property is invaded, are not the steps of the Law to be pursued without Violence that Justice may be done? besides I cannot possibly know who are, or are not Servants 'till their Indentures are produced. Pardon my suggesting these Things which is with no other View than to apologize for my own Conduct.

I hope your Excellency will give such Directions and order a prosecution against the parties whom have been culpable, against whom I am ready to furnish the necessary Proofs, as may deterr others from such a barefaced Opposition to his Majesty's Service

I am with great Respect your Excellency's most
Obedient humble Serv^t

Sam. Gardner

Captain in his Majesty's 47th Regim^t:

Baltimore Aug^t 15th 1756..

S^r

Since the above by the Instigation as I am credibly informed of some of the better Sort at the Church in the Forrest last Sunday there was an Agreement made to raise a Body of about 200.. Men, and take all my Recruits from me, this Town to be their Rendezvous on Monday; Captain Orrick who commands a Company of Militia in the County came on Sunday Evening with about twenty Horse the Men armed with Clubs, and gave me to understand they expected the whole Body the next Day; the Captain was deputed by the rest to be their spokesman who told me they were come in a peaceable manner to demand their Servants, and that if they could not have them by fair Means, they would have them by foul: p. 129

It seems some of their Convict Servants were run away, notwithstanding my posting up Avertisements that I would not take any Convicts, they would not believe me, I gave them Liberty to examine my Recruits, they found none of

Lib. J. R. their Servants and for the present the storm is blown over,
& U. S. I leave the whole to your Excellency's Animadversion.

I am your Excellency's most obedient

most humble Servant

Baltimore 21st August.

S: Gardner

S^r

Your Letters of the 15th & 21st Instant have been received and laid before his Lordships' Council, by whose Advice I now desire and recommend it to you to take your Evidences before some Provincial or County Magistrate & let them make Oath to the Truth of what you alledge against M^r Ridgely and several other Persons of Baltimore County. the Magistrate will thereupon issue his Warrant and have the Offenders brought before him, and on their Appearance will bind them over to the next Assizes for that County at which you will attend with your Witnesses, and I shall give Orders to the Attorney General to do his Duty on that Occasion. I hope that by this Means all Cause of future Complaints from Gentlemen who may be sent hither on the recruiting Service will be removed and that an effectual Stop will be put to such violent Proceedings as are mentioned in your Letter. You may be assured that I shall always to the utmost Power encourage and promote the Service in which you are engaged, and from his past Conduct I flatter myself the Gentleman to whom you say you applied will by his Behaviour on this Occasion convince you that none is more disposed than himself to forward and promote his Majesty's Officers.

I am S^r

H: S..

Annapolis 26th August 1756.

To Captain Gardner &c..

p. 130 His Excellency is pleased to lay before this Board the following Letter.

S^r

I beg Leave to lay before your Excellency the Papers herewith sent, they were about a fortnight since taken from a person found travelling through this County without a pass, on his Examination he appears by his own Confession to be a native Frenchman and a papist of the province of Gascoign he talks Latin pretty well, says he came from Havre de Grace to Quebeck, thence to Montreal to Albany, York, Boston, Philadelphia, has been at Annapolis has passed from place to place where the neutral french reside, owns he hath formerly personated a priest, he either is or well personates a Luna-

tick, with lucid Intervals his quick Return from your Side, and as quick passing from one Body of Neutrals to another and making upwards inclined me to stop him, your Excellency will please to signifie your Thoughts and whether it be proper farther to detain him.

I am with the greatest Respect
S^r your Excellency's very humble Servant
B: Hands.

Which being read it is their Opinion, that he still be detained in Custody.

His Excellency is pleased to lay before this Board a Report made to him by the Justices of Charles County Court of their having passed Sentence of Death upon Negro Ben the Slave of a certain Richard Gardiner for a certain ffelony by him committed, and no favourable Circumstance appearing for him, it is ordered that Dead Warrant accordingly issue.

At a Council held at the City of Annapolis, on Monday the 30th Day of August in the sixth Year of his Lordships Dominion, Annoque Domini 1756:

Present

His Excellency	Horatio Sharpe Esquire	Governor
The	{ Benjamin Tasker Esquire Colonel Charles Hammond Philip Thomas Esquire }	Col: Benj ⁿ Tasker
honourable		&
		Benedict Calvert Esq ^r

His Excellency is pleased to lay before this Board the following Letter.

Albany 20th August 1756. p. 131

S^r

I received last Night Accounts by which I apprehend that Oswego, with all its' Stores and Ammunition, and the Train placed there is lost, the Garison made Prisoners, and our naval power on the Lake destroyed; I must put you on your Guard against every ill Consequence of such an unhappy Event, and as you may now expect the Weight of the French Indian power on your Back, I must caution you to put your Frontiers immediately in the best posture of Defence you are able, as from the Condition and Number of the Troops left to me when I came to my Command, I can scarce hope to do more than to resist the ffrench power in these quarters.

Lib. J. R.
& U. S. Were my Hands strengthened to enable me to act I would not despair of retrieving this Misfortune, and to wrest out of the Hands of the French this important post that by a Series of bad Circumstances has fall'n too easy a prey to them.

I must in the strongest manner and from Motives of the most interesting Nature demand your Assistance, and that of your Province, his Majesty having been graciously pleased to send over to America, a Number of Officers for the Service of these Countries his Royal American Regiment of four Battalions, does expect that the Colonies will supply the Levies for this Regiment the State of the Service does now require that this Regiment should be immediately compleated. there is no Aid you could send me in any Shape would be so useful as Recruits to compleat this Regiment, as under such good Officers as his Majesty has appointed to it, they would be soon if not directly fit for Service.

The Levy Money is in all Justice and Right expected of the Colonies, but if Obstructions to the Service should arise within your province on this Head, I must at this time undertake to advance it.

I do therefore again in the strongest manner desire of you and your province that you will without fail as you shall answer for the Consequences use your utmost Endeavours to procure and send me a Number of such Recruits, If I had this Regiment compleated directly I should hope to be able to act and remove those dangerous Circumstances, under which his Majesty's Colonies do now labour, in consequence of his Majesty's positive Orders, I must require of you to lay a prohibition on the Exportation of all manner of provisions, as the sending out such at this time will not only supply the
p. 132 French every where and enable them to act against us, but may in a very essential Manner, distress his Majesty's Service here, as I do not know how soon I may want all that the Colonies can furnish.

I am with great Truth and Regard.

S^r Your most obedient humble Servant

Loudoun

Upon reading the said Letter it is the Advice of this Board, that the present General Assembly of this province which stands prorogued to the first Monday in October next do meet at the City of Annapolis on the second Tuesday in September next, and proclamations issued accordingly.

Maryland ss: By his Excellency Horatio Sharpe Esquire Lib. J.R.
Governor and Commander in Chief in and & U. S.
over the province of Maryland.

A Proclamation

Whereas the present General Assembly of this province was by the last proclamation issued appointed to be held at the City of Annapolis the first Monday in October next being the 4th day of the same Month, and whereas his Majesty's immediate Service requires their Meeting before that time, I have therefore thought fit with the Advice of his Lordship's Council of State to publish and declare that the said general Assembly meet and be held at the City of Annapolis the second Tuesday of September next, and to the intent that all persons concerned may have due notice thereof, I do hereby strictly charge and require the several Sheriffs of this province to make this my proclamation publick in their respective Counties as they will answer the contrary at their peril: Given at the City of Annapolis this 30th Day of August in the sixth year of his Lordships Dominion, Annoque Domini 1756.

J Ross Cl: Con.

Ordered that the following Letter be sent to Colonel Belt, and Colonel Hall Commanders in chief of the Militia of Prince Georges and Baltimore Counties.

S^r

As some Advices which I have just received give me great Room to fear that a large Body of ffrench and Indians will very shortly make a Descent on this province, and endeavour to break up at once, all our Settlem^{ts} in the Western Parts of Frederick County, and as it is thought expedient and necessary to march a considerable Number of the Militia to cover and protect the distant Inhabitants and on Occasion to act in Conjunction with the Troops that have been raised and are posted at Fort Frederick, and other places beyond Conegocheige, I do hereby with the Advice of his Lordships Council of State, order & require you as soon as possible to send from the Militia of your County a Detachment of 100 Men under the Command of a Captain, Lieutenant, and Ensign, to Fort Frederick, where they will be joined by another Detachment of the same Number. After their Arrival at that Fort they will be supplied with provisions by the Commissary M^r Ross, and on their March thither the Officer must apply to the press Masters for such provisions and Carriages as shall be necessary, with which the press Masters are forth-

Lib. J. R. with to furnish him on his presenting my warrant, and pass-
& U. S. ing such Receipts as the Act of Assembly requires they may
be supplied with some Arms and Ammunition by Captain
Peter Butler of Frederick Town, but I would advise them
to provide themselves with both before they march.

You must see that every man takes with him a Blanket &
Cloaths enough for a Month from their Arrival at ffrederick
Town before the Expiration of which Month they will be
relieved. These Detachments from the Militia are to patroll
between the North Mountain and Conegocheige, the Coman-
dant of ffort ffrederick will order two Guides or persons who
are acquainted with that part of the Country, to join each
of them, and in case it should by him and the Colonel of
ffrederick County be thought necessary for the Detachments
from the Militia to act in Conjunction, they are to put them-
selves under the Command of Colonel Thomas Prather who
lives near Conegocheige—You will give the Captain whom
you shall order from your County a Copy of these Instruc-
tions, and direct him to keep a Journal of his proceedings
while on Duty to be returned me for the Assembly's perusal;
you may also give him any other additional Instructions that
you think necessary for his better Guidance and Direction.

Given at Annapolis

H: Sharpe

30th of August 1756.

At a Council held at the City of Annapolis on Wednesday
the 6th Day of October, in the sixth Year of his Lordships
Dominion Annoque Domini 1756:

Present

His Excellency Horatio Sharpe Esquire Governour.

	{ Benjamin Tasker Esqr Colonel Charles Ham- mond Philip Thomas Esquire }	Col: Benjamin Tasker
the		and
honourable		Richard Lee Esquire.

p. 134 His Excellency is pleased to lay before this Board a Report
made to him by John Brice Esquire one of the Justices of
Assize for the Western shoar whereby it appears he had
passed Sentence of Death at Calvert County Assize upon
William Hornby for the Murder of William Quarrel of the
said County, and also that at Prince Georges County Assize
he had passed Sentence of Death upon Negroes fforrester
and Sambo, the Slaves of a certain Nath: Chapman of
Charles County Gentleman for ffelony, and it appearing to
this Board they are Objects of Mercy advise his Excellency
to grant them his Lordship's pardons.

At a Council held at the City of Annapolis on Saturday the ninth Day of October in the sixth year of his Lordship's Dominion Annoque Domini 1756. Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esquire Governour.

The honourable	{	Benjamin Tasker Esq ^r	}	Col: Benjamin Tasker
		Colonel Charles Ham-		&
		mond		
		{ Philip Thomas Esquire }		Richard Lee Esquire

Ordered that the Clerk of this Board draw an Order on the honourable Col: Edward Lloyd, Treasurer of the Eastern Shore payable to M^r Henry Walls or Order for twenty five pounds sterling, being his years Sallary as Armourer of this province ending the 29th of September last, to be paid out of the Duty of 3^d p Hhd. for Arms.

The following Fees were by Order of this Board regulated to be taken by the Clerk of the Council for all Commissions hereafter granted by the Governor & for which no ffees have been allowed by Act of Assembly and he is directed to take the same accordingly.

For every ffield Officers Commission, twelve Shillings.

For every Captains Commission, eight Shillings.

For every Subaltern's Commission six Shillings.

At a Council held at the City of Annapolis the 13th Day of November in the sixth year of his Lordship's Dominion Annoq Dom 1756.

Present

His Excellency Horatio Sharpe Esquire Governour.

the honourable	{	Benjamin Tasker Esq ^r	}	Col: Benjamin Tasker
		Colonel Charles Ham-		Richard Lee Esquire
		mond		Benedict Calvert
		{ Philip Thomas Esquire }		Esquire

The above named Gentlemen being met in Consequence of Letters writ to them by the Governor's Orders the 8th Instant His Excellency laid before the Board a Copy of a Deposition said to have been made before Colonel Thomas Cresap by one William Johnston who was lately brought hither by his Excellency's Order from Fort Frederick and was on his Arrival here committed to the Custody of the Sheriff of Ann Arundell County. p. 135

Lib. J. R.
& U. S.

The Examination of William Johnson aged 23 Years, or thereabouts, taken on the holy Evangelist of Almighty God before Thomas Cresap a Justice of the peace for the County of ffrederick in the province of Maryland the 26th Day of October 1756 saith that he left Delaware about three years ago, and came to a place called Deer Creek in Baltimore County in the Province of Maryland where he was for sometime employed in the Service of Thomas Burgen, Darby Tool, and James M^cDonald, during which time he was several times to Mass, at one priest Neals Mass House, and while in that Society it was insinuated to the Congregation by the said Neale that it would be much better for them to live under the Dominion of a ffrench Government than under an English one, that they would thereby get their Lands on easier Terms, and might have and enjoy the free Exercise of their Religion and recommended it to them that it would be proper for them to prepare themselves with Arms and Ammunition, and be in readiness to join any party of ffrench and Indians that might come down to invade, or make an Attack upon his Britannic Majesty's Subjects which was generally agreed on by the whole Congregation: And this Examinant further saith that one John fflaugherty likewise made himself very busy in the Matter; And this Examinant further saith that the said Neale likewise informed them that one Digges who lived near York being an able person would be of great Service to them in effecting the said Scheme by furnishing them with Arms, Ammunition and the like, and that this Examinant understood by the Discourse of the said Congregation that one Burk would do all in his power towards furnishing any that would join in the same with Arms, Ammunition &c. And this Deponent further saith that the said priest Neale understanding that the Deponent after having the Notion put into his Head by him the said Neale of the several Advantages of living under a ffrench Governm^t had an Inclination to go back to the French, and become a Subject to the King of ffrance applied to this Deponent to carry a packet of Letters to a French Officer at Venango who as the said Neale informed him had but one Eye, and that this Examinant at earnest Request of the said Neale consented and undertook to carry the said Letters to the said French Officer, and the said Neale thereupon gave him a pistole, upon which this Deponent soon after set off to go to Venango, and being directed by the Indians arrived there where he found the said French Officer and was kindly received by him to whom this Examinant delivered the said Letters but knew not what was in them and the said ffrench Officer after reading the same, told this Examinant he was

glad to see him, made several Friendly Speeches to him, and treated him very well by giving him a Dram to drink, Victuals to eat and the like, and told him that he might either stay there, or go to Canada which he this Examinant would choose, and that he should be well used, and this Examinant further saith that he continued at Venango for about the Space of three Weeks, after which he went from there among the Indians, and so to Fort du Quesne, and continued there and thereabout 'till after the Action between the Army under Command of General Braddock, and the French, and their Indians on the Banks of Monongahela, that this Deponent was not in the Action, but was at the place where the same happened about three Days after with several of the French and Indians, by whom he was informed that about 7 Days before the Action there was not above 500 Men at Fort du Quesne, and that about three Days before the said Action a Reinforcement of about 400 Men arrived at the said Fort.

Lib. J. R.
& U. S.

And this Examinant further saith that in the said Action there was about 600 French Men and 700 Indians, and that there was then left at the Garrison of Fort du Quesne, about 300 French Men, and 600 Indians, that the chief commanding Officer with two Captains of the French were killed and about 300 French Men & 260 Indians were killed and lost in the said Action that the Indians in the time of the said Action run away three times, and were followed by three French Cadets who could talk in their Language and persuaded them back every time that when the English retreated the French having spent all their Ammunition except about enough to fire one Round, and then was about to retreat but in seeing the English begin to leave the field, stayed 'till they got some of the Ammunition which the English left, and then pursued them as far as the River killing as many as they could: And this Deponent further saith that the French have settled about 200 Men at Buffeler's Fort, built at a place called the Licks, and that they are now about building a Town about three Miles from their Fort which as soon as they have done they are resolved to come down in Number 60. or 70: Men to make an Attack upon Virginia and Maryland.

His Excellency also laid before the Board the Information that the said Johnson had on Examination given since he was brought to Annapolis (viz^t

The Information of William Johnson who having two Years resided among and associated with the French and their Indian Allies to the Westward surrendered himself in

Lib. J. R. October 1756. to a Soldier from the Garrison at Fort Cum-
& U. S. berland.

p. 137 This Informant says that he is between 22 and 23 years old, that he is a Roman Catholick, and was born of Roman Catholic parents near Naaman's Creek and about ten Miles from Marcus Hook in the province of Pensilvania, that except about four years which he spent in the Jersies he always resided in Pensilvania 'till August 1754. when he rambled into this province to see the Country, and two or three Days after he came hither he was employed by one James M^cDonald an Irish Catholic in Baltimore County with whom he worked for hire about a Month at Plantation Business, and that he also boarded with him during that time that while he lived with him M^cDonald carried him to a Romish Chapple near Deer Creek where one Priest Neale officiated, and that as they were returning M^cDonald told him that he had heard at Chapple, that the Legislature was about to make a Law to disarm the Catholics, prevent their going to Mass, and to lay them under many severe Restraints as the Catholics were in Ireland, that priest Neale afterwards came to M^cDonalds while the Informant worked there to christen his Child Susannah and that he happening to come in from the ffield for some Drink just after the Ceremony was bid to sit down by M^cDonald the Priest Thomas Burgen and Darby Tool being also in the Room, that while this Informant sat there, the priest told the rest of the Company that a Body of ffrench had he heard attacked and defeated Colonel Washington at a place called the Little Meadows between Virginia and the Ohio, and that after killing a great many of the English they had been merciful and generous enough to let the rest retire & carry off their wounded though they could easily have cut them all off without any Loss on their Side, that the priest thence took Occasion to enlarge much on the Power, Riches, Valour and Generosity of the French Nation and said that he believed if the English had been victorious, the ffrench would not have been treated with such Lenity and Tenderness; that M^cDonald and Tool said they believed it would be better for the Roman Catholics of this province if it was subjected to the ffrench Government, and asked M^r Neale what he thought of that Matter. that the priest answered he did not know but it might, and said that he thought any young people who had no Plantations or ffamilies, would do well in going to the Settlements that the ffrench were making to the Westward, and that he was persuaded they would be kindly received and well treated. the Informant saith that this Discourse made such an Impression

on him that he thereafter entertained Thoughts of leaving Maryland, and going back that he was afterwards confirmed in that Resolution by another Conversation that happened at Darby Tools—When M^cDonald told him that he had no more Work for him, this Informant says he hired himself to one Darby Tool a Catholic, and worked for him about a fortnight, that he afterwards served one Thomas Burgen 8.. or 9.. Days, and then worked 10.. or 12.. days for one Joseph Renshaw, a protestant in that Neighbourhood: This Informant says also that happening after he had worked there to go to Darby Tools for his Wages in Company with M^cDonald, at whose House he lodged, he met the priest there, and was in Company with him more than half an Hour that much was said by the Company and particularly by M^r Neale at the time concerning the Act of Assembly for disarming Catholicks that M^cDonald had before told him of, and that the priest spake much again about the Riches of the French Nation, and to the same purport that he had before at M^cDonale's that the Informant before the Company broke up declared his Inclination to go back to the French Settlements, and that the priest thereupon said such a step would be much better than to work here for a Shilling or eighteen pence a Day, that he might be there able to live comfortably, that he was sure the French would use him well and that as the Indians all traded with the French, he did not apprehend that he would find much Difficulty in getting to Venango, this Informant moreover saith that the priest asked him at the same time when he proposed to begin his Journey and said "If I see you before you go I will give you a Letter or Letters" the Informant says that 4 or 5 days after this as he was going from M^cDonalds at one Ashmores for a Bottle of stilled Liquor, M^r Neale met or overtook him in the Road that leads to Wheeler's, or the Chapple, and the Informant taking off his Hat the priest asked him how he did and when he intended to set off, on the Informants answering in three or four Days, he says the priest took out a packet & gave it him saying "If you reach Venango as I doubt not you will, deliver this to the French Commandant who is a fat, jolly, Man, with one Eye and is called "

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The Informant says the Priest also charged him to shew the Letters to no Body, nor to say any thing of them, asked him whether he had Money to bear his Expences and on his saying he had not much gave him a pistole, wished him a good Journey, and repeated again that he might depend on being well received and esteemed, the Informant saith that he never saw M^r Neale since that time, that he tarried after that 3.. or 4.. Days at M^cDonalds, and Tools, then left the

Lib. J. R. province, travelled through Pensilvania unsuspected, and
& U. S. arrived at Venango in about 24: Days from his Departure
thence, that he has since that time been a good deal with the
French at Venango and ffort du Quesne, and that he has
lived much among the Indians that are in their Alliance,
he says that in the Beginning of October he came from ffort
du Quesne with 160 ffrench and Indians, who were designed
against Fort Cumberland, and that he being sent before as a
spy was reconnoitring that place when he was discovered,
and thereupon surrendred himself to one of the Garrison.

His Excellency then observing to the Board, that the
Prisoner had, when he gave the above Information, either
denied, or concealed many particulars that he was said to
p. 139 have deposed before Colonel Cresap, said he thought 'twould
be proper to order him in for farther Examination, and
desired that he might be asked the following Questions in
particular, and that his several Answers thereto may be
taken in Writing as he should deliver them, the prisoner was
accordingly called and examined as follows.

Q: 1st How often did you go to priest Neal's or any other
Mass House while you lived in Baltimore County?

Pris. I went three times to the Mass House where M^r
Neale officiated, while I was in Baltimore County, but I
never went to any other Mass House or Chapple, in this
province, neither did I ever hear any one say Mass in this
province beside that Priest Neale.

q: 2: Did you at any time when you went to Mass hear
Priest Neale recommend it to the Congregation to provide
themselves, with Arms and Ammunition, and to keep them-
selves in readiness to join any party of ffrench and Indians
that might come down to invade, or make an Attack upon his
Majesty's Subjects?

Pris: I never did hear priest Neale at any time when I
went to Mass recommend to the Congregation any such
Thing.

q: 3^d Did you hear any of the Congregation speak after
that Manner?

Pris: As I was returning home from Chapple the second
time with M^cDonald he told me that he had heard Ignatius
Wheeler and Thomas Skey say it would be necessary to
provide Arms to assist the French if they should come down,
but I never did hear either Wheeler or Skey say a Syllable
to that purpose, neither did M^cDonald at that time mention
the priest's Name or say that he had spoke after that Manner.

q: 4: Did you ever hear Priest Neal tell the Congregation
or any of them that it would be much better for them to

live under a French Government, than under an English Lib. J. R.
one that they would thereby get their Lands on easier Terms & U. S.
than they can at present?

Pris: I never did hear priest Neale speak after that manner to the Congregation, nor did I ever hear him say a Syllable to that Purpose at any time when I went to Chapple.

q: 5: Did you ever hear the Priest tell the Congregation or any of them, that if this province was brought under a French Government they the Roman Catholicks would be then permitted to enjoy the free Exercise of their Religion? or did you ever hear the priest say any thing to the Congregation, at, before, or after Mass about the French Government.

Pris: I never did hear the priest either at, before, or after Mass, say any thing about the English, French, or any other p. 140 Government whatever.

q: 6: Did you ever know, see, or hear of one John Flaugherty, of Baltimore County, or of any other County in this province?

Pris. I never did see, or hear of any such Person in this province, but there is one Crayton a Catholic in that County whom I believe I mentioned to Col. Cresap as a busy and disaffected person.

q: 7: Did Priest Neale ever tell you that one M^r Digges who lives near York or any other M^r Digges had Arms or Ammunition by him and would be of Service if the French should come down, or that M^r Digges would furnish any Persons with Arms, or Ammunition to assist the French, or for any other purpose?

Pris: Priest Neale did once at M^cDonalds say that one Digges and Skey had Arms and Ammunition by them and that they would be of Service to assist the French to subdue the Country.

q: 8: Did you ever hear any Person say that one Burk would do all that lay in his power towards furnishing any person with Arms and Ammunition?

Pris. I have heard Darby Tool, Thomas Burgen, and James M^cDonald say that Ulick Burk had Arms by him to assist the French, if they should come down to attack this Country.

q: 9: Did Priest Neale desire or request you to carry Letters to the French Commandant at Venango?

Pris. After I had told the priest and others that I was resolved to go back to the French he said if he should happen to see me again before I went he would give me a Letter or Letters for the Commanding Officer at Venango, but he did

Lib. J. R. not particularly request or desire me to go or carry Letters,
& U. S. neither was it at his Sollicitation that I did go back.

q: 10: What sort of a Man was Priest Neale?

Pris: He is a pretty tall, slim Man, of a fair Complexion, and long Visage generally wore a light Cloth Coat and rid a good bay Horse.

The Prisoner was afterwards asked many other Questions & cross examined but as he discovered nothing more than what is contained in the Information & Answers above written, it was ordered by the Board that the said Information should be distinctly read to him, which was accordingly done, and it was by him acknowledged to be the Truth, and what he had always averred and insisted on.

The said Johnson was then remanded to prison, and the
p. 141 Governor after a short time desired the Opinion of the Board on what they had heard, and the Matters that had been laid before them, and his Excellency desired to know what farther Steps they would advise him to take thereon.

In Answer the Board unanimously gave it as their Advice and Opinion that Priest Neale and the other persons, Inhabitants of this Province, that the prisoner had in his Information, or Answers charged or named should be taken into Custody, and brought hither for an Examination before his Excellency and the Council, and thereupon the following Warrant was immediately made out and issued to Charles Christie Esquire high Sheriff of Baltimore County.

Maryland ss:

Whereas Information hath been made to us the Governor and the Subscribers Members of his Lordships Council of State met in Council at the City of Annapolis on the 13th day of November Anno Domini 1756. that a certain Bennet Neale a Romish Priest, President in Baltimore County, and Thomas Burgen, Darby Tool, James M^cDonald, Ulick Burk, Ignatius Wheeler and John Crayton of the said County are Persons very ill affected to his Majesty's person and Government and have behaved themselves on many Occasions in a seditious manner contrary to their due Allegiance.

These are therefore in his Lordship's Name to require you that immediately on Receipt hereof you take into your Custody the Bodies of them the said Bennett Neale, Thomas Burgen, Darby Toole, James M^cDonald, Ulick Burk Ignatius Wheeler and Jn^o Crayton, and them safe keep, so that you have them before us at the City aforesaid, on Monday the 29th of this Instant November to answer unto such Matters and Things as shall be then and there objected

against them, for which this shall be your sufficient Warrant. Lib. J. R.
Dated at Annapolis this 13th day of November Anno Domini & U. S.
1756.

To M^r Charles Christie
High Sheriff of Baltimore County.

Horatio Sharpe	[Seal]
Benj ⁿ Tasker	[Seal]
C. Hammond	[Seal]
P. Thomas	[Seal]
Benj ⁿ Tasker jun ^r	[Seal]
Richard Lee	[Seal]
Bened ^t Calvert	[Seal]

At a Council held at the City of Annapolis on the 29th p. 142
Day of November 1756.

Present

His Excellency Horatio Sharpe Esquire Governour.

the honourable	{	Benjamin Tasker Esq ^r	Colonel Benjamin Tasker
		Col: Charles Hammond	

Stephen Bordley Esquire his Lordship's Attorney General
was then sent for by Order of the Board, and attended
accordingly.

The Sheriff of Baltimore County having made a Return
of the Warrant directed to him from this Board the 13th
Instant and the Persons therein named being called in one
after the other four of them were examined on Oath, and
deposed as follows:

John Cretin of Baltimore County Planter, being sworn on
the holy Evangels of Almighty God deposeth and saith that
he has lived at Deer Creek in Baltimore County within four
Miles of M^r Ignatius Wheelers ever since the year 1752..
that he is a Roman Catholick, and has gone to the Mass
House where Bennet Neale officiated, that the said Neale
lives upon a plantation that was given by one Thomas Shea,
that he has three, or four Negroes, as he believes working
upon it, and that M^r Neale has resided 6.. or 7.. Years there,
this Deponent likewise saith that he doth not remember any
thing either of one Johnson or Murphy as residing in that
Neighbourhood during the aforementioned time except one
Johnson a Wheelwright who lives there now, this Deponent
further saith that he knows James M^cDonald Thomas Bur-
gen, and Darby Tool, that M^cDonald is a poor Man has no
Family but himself and Wife, that he has only a little Hut,

Lib. J. R. and does Shoemaker's Work for Samuel Webb, and he be-
 & U. S. lieves never made any Crop, either of Corn or Tobacco.
 That Thomas Burgen has a Wife, and several small Children
 but no Negroes or Servants, that he has a small plantation
 but is very poor; that Darby Tool is a Shoemaker and works
 at his Trade for Samuel Webb, that he has a wooden Leg
 and that the Shoemakers Business is his chief Employment,
 that Burgen, Tool & M^cDonald live in the Forrest and are
 very near Neighbours, he likewise saith that the person now
 shown to him he doth not know to be either Johnson or
 Murphy, this Deponent also saith that M^r Bennet Neale
 never told him nor did he ever hear any other person say that
 one M^r Digges who lived near York or any other M^r Digges
 had Arms or Ammunition by him and would be of Service
 if the French should come down, or that M^r Digges would
 furnish any Person with Arms or Ammunition to assist the
 French, or for any such purpose, and he likewise says that
 he never heard any one say that Ulick Burk or any other
 Burk would do all that lay in his power towards furnishing
 any Persons with Arms and Ammunition to assist the
 French; this Deponent likewise declares that he never heard
 M^r Ignatius Wheeler, Thomas Shea, or any other person say
 it would be necessary to provide Arms to assist the French
 if they should come down, but on the contrary he says that
 he has heard Thomas Shea advise the People to keep their
 Arms in good Order to defend themselves if the French
 should come down; and that M^r Bennett Neal should have
 offered to lend to M^r Lee a Captain of the Militia in the
 said County two Guns for the use of the Militia if they
 should want them; this Deponent likewise further says that
 he has heard M^r Bennett Neale to the best of his Remem-
 brance at the House of M^r Thomas Shea say, that this prov-
 ince could be nothing bettered by being under a French Gov-
 ernment than a free Enjoyment of the Roman Catholic
 Religion that what Conversation might pass, or by whom
 spoken that could lead M^r Bennet Neale to make such a
 Remark he cannot tell, nor does he remember who were
 present at that time, it happening to the best of his Knowl-
 edge about two or three years ago:

Sworn to this 30th Day of
 November 1756..

John Cretin

The said William Johnson being brought in was asked if
 he knew the above Deponent and declared that he did, and
 that it was M^r Bennet Neale the priest.

Darby Toole of Baltimore County Shoemaker being sworn
 on the Holy Evangels of Almighty God deposeth and saith

that he lives on Deer Creek in the said County and works at the Shoemakers Business at M^r Samuel Webb's Shop that he rents a small plantation where his Wife lives three or four Miles distant from Webb's, that he has no Family but his Wife, has worked for M^r Webb thirteen years last September at the Shoemakers Business, and that upon the Plantation he rents, he makes no other Grain than Corn, this Deponent further saith that he has at times employed several Labourers to work on his plantation and amongst others, and the last was one William Marshall who worked 3 or 4 days in getting Rails and ploughing for him, and that the said Marshall left him about three years ago last Summer, this Deponent further saith, that Abraham Jerrard of Baltimore County, brought up the said William Marshall from four or five years old 'till he came of Age, and that the said Jerrard being a protestant he believes, the said Marshall was brought up a protestant, that the said Marshall is a well set young Man about 5 feet 6.. or 7.. Inches high of a midling fair Complexion and sandy Hair, that the said Marshall married a young Woman in the Neighbourhood, and that about two Months after his Marriage he run away for Debt, that he saw him often in the Neighbourhood after he worked for him and believes he should know him again, this Deponent likewise saith that the Person now shewn to him is the same Person who was always known by the Name of William Marshall, was brought up by Abraham Jarrard, and is the same person in this Examination above called William Marshall this Examinant also says that M^r Neale the priest never was to this Deponents Knowledge or Belief at his House, nor was this Examinant ever at a Christening either at Donnallys or at M^cDonalds, that M^cDonald is a protestant but Donnally a Roman Catholic. This Deponent further says that at any time of his being at Mass, or at any other time or place he never heard M^r Bennet Neale recomend it to the Congregation or people to provide themselves with Arms and Ammunition to join any Party of French or Indians that should come down to invade, or make an Attack upon his Majesty's Subjects, this Deponent likewise says that he never heard M^r Neale or any other person say that one M^r Digges who lived near York, or any other M^r Digges had Arms, or Ammunition by him to assist the French if they should come down, or that one Ulick Burk or any other Burk would do all that lay in his power towards furnishing any persons with Arms and Ammunition to assist the French.

Sworn to this 30th Day of
November:

Darby Tool

Lib. J. R.
& U. S.

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Lib. J. R.
& U. S.

Thomas Burgen of Baltimore County Planter being sworn on the holy Evangels of Almighty God deposeth and saith that he lives in Deer Creek Hundred in the said County, that he knows nothing of one William Johnson working in that Neighbourhood about 4 years ago but that he knew one William Marshall who about 4 Years ago worked as a Labourer with Joseph Renshaw Darby Tool, and James Donnally a Fuller, that the said Donnally is a Roman Catholic and has 4 Children, this Deponent likewise saith that the said William Marshall married a Daughter of William Deale in the said County, that in a little time after his Marriage being in debt he run away, that the aforementioned William Marshall has a Dent like a Scar on one side of the Nose, is a hearty young Man, well set, and as he believes about 25 Years of Age, he likewise saith that the said William Marshall was born near Abraham Jarrards in that Hundred and brought up by him, that he believes he is a protestant, and that he never was at Mass in that County in his Life; this Deponent further saith
p. 145 that one James M^cDonald of the same County hath not to his Knowledge or Belief, a Daughter named Susannah, nor was he ever at a Christening, he likewise saith that James Donnally a Journeyman at Walter Ashmores fulling Mill has a Daughter named Susannah who was christened about 6 or 7 years ago in pensilvania, that the said James Donnally has three Boys, the youngest of which is about three Years old, and that he believes the priest Neale was never at Donnally's House, his Children being christened at the Chappel, this Deponent also saith that he knows Bennett Neale well that he is a Roman Catholic priest, has been in that Neighbourhood many Years, that he lives upon a plantation that was given by one Thomas Shea, and that there are Negroes working upon the said plantation, that he never was in Company with M^r Neal any where but at Mass, that he has seen M^r Neale at M^r Wheelers, but knows not the Conversation not being admitted into Company: this Deponent saith he believes he should know William Marshall again, and declares that the person now shewn to him is the same William Marshall as before mentioned, and that he knows him well. This Deponent further says that he never heard M^r Bennet Neale at the time of his being at Mass recommend it to the Congregation or people to provide themselves with Arms and Ammunition to join any party of French or Indians that should come down to invade or make an Attack upon his Majesty's Subjects, this Deponent likewise says that he never heard M^r Neal or any other person say that one M^r Digges who lives near York or any other M^r Digges had Arms or Ammunition by him, and would assist the ffrench

if they should come down, or that one Ulick Burk or any other Burk would do all that lay in his power towards furnishing any persons with Arms and Ammunition to assist the French.

The mark of + Tho^s Burgen

Sworn to this 30th day of
Nov^r 1756:

James M^cDonald of Baltimore County Shoemaker being sworn on the Holy Evangelists of Almighty God deposeth and saith that he works at the Shoemakers' Business at M^r Samuel Webb's Shop in the said County that he has a Wife and Children who as well as himself were all bred up protestants, that the priest Neale never was at his House in his Life, he likewise saith that he has heard of one William Marshall who sometime ago worked in the Neighbourhood and run away for debt, but knows not whether the Person now shewn to him is the same William Marshall, he having seen him but once and only for a short space of time; This Deponent further says that he never had any Conversation with M^r Neale, or was ever in his Company before he was taken into custody, and he likewise declares that he never heard any person say that one M^r Digges who lived near York, or any other M^r Digges had Arms or Ammunition by him to assist the French if they should come down, or that one Ulick Burk, or any other Burk would do all that lay in his power towards furnishing any persons with Arms and Ammunition to assist the French. p. 146

Sworn to this 30th day of
Nov^r 1756..

James M^cDonald.

M^r Bennet Neale M^r Ignatius Wheeler, and M^r Ulick Burk were asked if they knew William Johnson, and he being produced to them they all declared they did not, and the said Johnson being likewise asked if he knew the before mentioned Gentlemen who were shewn to him he said he knew neither of them. His Excellency then asked the prisoner wherefore he had so imposed on him and accused persons that he did not even know and said if you are really that Marshall that those Evidences declare you are, you may as well acknowledge it otherwise I shall send for and confront you with your Wife, Jerrard, and the other persons, that according to these Witnesses Account you were conversant with and lived among in Baltimore County, the prisoner thereupon held down his Head a few Moments, and then said I am sorry I have acted so foolishly and imposed on your

Lib. J. R. Excellency, but if you please to hear me I will now declare
& U. S. the Truth, and then he proceeded as follows.

The Recantation and Confession of William Marshall a^{ts} Johnson, made before his Excellency and the Council the 29th November 1756.

p. 147 My real Name is William Marshall and not Johnson, I was indeed born as I have been told near Marcus Hook in the province of pensilvania, but of protestant parents, and I have also been brought up in that Religion I have been informed that when I was very young my parents removed from pensilvania into Baltimore County, and rented a small plantation in Gunpowder Neck, about a Year after such their Removal my Father died and the next Winter my Mother left that part of the Country, and going up into the Forrest became a House-keeper to one William Rice a Widower, her Family at that time consisted of three Daughters, and myself, one of my Sisters stayed in the Neck, and went to live with a certain John de Brulier, another of my Sisters hired herself soon after to Francis Freeman, and the third to Roger Donahew. I was then about 5 Years old, and when I was 6, my Mother bound me an Apprentice to one Abraham Jerrard a Tanner and Shoemaker, who lives about five Miles from Jacob Bull's Mill on the decease of Rice my Mother returned to Pensilvania and was married to one Jos: Foresight, but before I had served out my Apprenticeship and when I was about 18 Years of Age, she came down to Baltimore to see me and my Sisters, who were all then married, visiting my Master she prevailed with him to give me up my time and set me at Liberty; and soon afterwards her Husband my Father in Law came down and took me home with him to a plantation near Willings Town that he rented of one William Derrickson, and I lived with him there and worked for him on his plantation about a Month, I then hired myself to M^r Derrickson, and served him almost a Year, afterwards I worked with one John Bird, Lelif Peterson, and several others in that Neighbourhood during the space of two Years. I then came back to Baltimore County to see my Sisters, and after 6 Weeks returned again to my Father in Law's and thence went over Delaware, and worked about two Years and a half with John Mounts, Peter Boone, and several other persons in penn's Neck. thence I removed to Gloucester County, and I and one Wicks undertook to saw a quantity of Ship plank there for one Solomon Lippencut, we performed our Contract in 4 Months, and I then hired myself to one James Steelman, and worked for him and others in that Neighbourhood about a Year at plantation Business,

after I left them I was employed as a Sawyer by one Richard West on Timber Creek and after 4 or 5 Months made an Agreement with one John Steelman at the Mouth of that Creek to go in his Flat when I left him I engaged myself to one Ebenezer Empson, and served him in the same Capacity, in about 4 Months I quitted him and returned again to Pensilvania, and worked in the Neighbourhood where my Father in Law lived two or three Months, I afterwards went in a Shallop of one William Aldmans 5 or 6 Months, and when I left him I came down again to Baltimore County, there I worked two Months or more with my old Master (Jerrard) and afterwards with my Brothers in Law, Richard Blood, Joseph Butler and Joshua Amos. In the ffall of the year 1753 I went thence to Virginia, and worked there three or four Weeks with one Thomas Cartmill who lives about 15 Miles beyond Winchester, from his plantation I travelled to one John Tipton's on Cedar Creek, and was employed by him to grub a piece of Land, In February 1754: I left him with an Intention to return again to Baltimore County, but meeting at Winchester with one M^r W^m Frost I was engaged by him to dress a quantity of Flax, which I did in about a Month, and then I took leave of Virginia, and came to Baltimore County where I spent all the ensuing Summer, labouring some time for Richard Blood, then with one M^c-Donald or Donaloon a Fuller, and for some Days with Darby Tool a Shoemaker who has but one Leg, when he had no more Business for me I engaged to grub and tussock a piece of Meadow for Jos: Renshaw, who lives about a Mile from Ashmore's Mill, and entred into Bond for the due performance of my Contract within a certain limited time while I was making this Meadow I married Elizabeth the Daughter of one William Deale who dwelt at that time in the Stony Forrest, near Jacob Bull's Mill, but she lived as a Servant with one John Darumple on a plantation that he rented of John Swinyard, and that lies near Abraham Jerrards; for about 3 Months I laboured hard in hopes of being able to make the Meadow according to Agreement, but finding it impossible at the End of that time & Renshaw at the same time threatning me with the penalty of the Bond I went off to York town in pensilvania, and Lieutenant Miller a tall Gentleman somewhat advanced in Years being recruiting there I was inlisted by him for Captain Clark's Company, and was soon after sent to Fort Cumberland Colonel Innes was then Commander in chief at that Fort, and Captain Rutherford commanded under him, I was there when your Excellency arrived just before Christmas but was then meditating my Escape being determined to return (if possible)

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& U. S.

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Lib. J. R. back to my Wife, or fly into one of the neighbouring prov-
 & U. S. inces, & send for her thither. One Hancock who lived with
 Gerrard Pendegrass of Ray's Town came frequently among
 us and as I apprehended he was well acquainted with all
 that part of the Country, I entred into Conversation with him
 on that Subject, and from him learn't that there was a path
 from Fort Cumberland thro' Ray's Town to pensilvania
 behind any of the Maryland Settlements, being thus advised
 I deserted in the Month of January with one Willoby Willett
 of Captain Rutherford's Company intending to go thro' Ray's
 Town and pursue the Road that Hancock had described to us.
 We had not got more than a Mile or two before Willet re-
 pented, and returned again as I apprehend to his post, I soon
 after missed my way and travelled 9 Days without getting as
 I afterwards understood more than 20 Miles from the Fort,
 and the Weather being very severe one of my Feet was frost
 bitten, and I was ready to perish with Cold and Hunger,
 p. 149 when I discovered a Smoke, and going up to it found one
 Kirking Pauley a Delaware Indian and his Daughter sitting
 by a Fire, and three Horses standing by them I acquainted
 the Indian with my miserable Condition, and intreated him
 to carry me to some English Settlement, he told me that he
 was just come from Fort Cumberland where he had been
 selling some Skins to Captain Trent, said he must now make
 the best of his Way home, but told me that if I would go to
 his Cabin, he would give me Victuals, and something to cure
 my Foot, and that when he should have Occasion to go again
 to Fort Cumberland or any of the English Settlements he
 would take me with him I embraced his Offer mounted one
 of the Horses, and went with him to his Cabin which stood
 on a River Run, that flows into the Allegany River about
 25 Miles above Fort du Quesne, I was a good while before
 I recovered the Use of my Limbs, or was able to walk but
 as soon as I could go abroad, the Indian made me cut Wood
 for him, dig some Ground, and plant Corn, and treated me in
 every Respect as his Servant still promising me however to
 carry me with him when his Business should call him to
 Fort Cumberland or among the English. Last July was
 Twelvemonth Kirking was informed by an Indian that came
 from the Battle, that the English Army had been defeated,
 and that all the Indians had thereupon declared for the
 French: this News he immediately made me acquainted with,
 and then told me that as his Nation would for the future be
 always at War with the English he should not go to Fort
 Cumberland again, or trade any longer with them, and that
 I must become his Slave he having a Right to me for having
 saved my Life. Within a few Days he pack't up his Hous-

hold Stuff (buried some of it, and removed with the rest and all his Family to Kittaning, where we stayed a few Days, and then went over the Allegany River to an Indian Town on a Rivulet that runs into Beaver Creek having hunted in that part of the Country three or four Weeks, he and several other Indians of that Town went out to War they were absent about a Month, and brought back with them, a Woman, a Girl, and two small Children that they had taken prisoners on Juniata River after he returned from this Expedition we went to hunt on Kuskuskie Creek, and as soon as the hard Weather broke up he went to Venango to dispose of his Skins carrying me and his Family with him, having spent 6 or 7 Days at Venango, he came again to Kittaning staying three or four Days by the Way at a Place called the Licks, A Month or five Weeks afterwards he took us from Kittaning to his old Cabbin (where he lived before the Action of the Monongahela) and while he employed himself in hunting I made a Canoe for him which as soon as 'twas finished he loaded with the Stuff that he had before buried and fell down in it to Fort du Quesne, I & his Wife going with the Horses by Land. Soon after his Arrival there he joined some other Indians and went again to War with them leaving me to build a Cabbin for his Family behind the Fort, and do such other Business as they should order. On his Return from War he removed to the Log's Town & hunted in that part of the Country 'till the Beginning of last August, thence he returned to Fort du Quesne to sell his Skins, and the French prevailed with him to leave me there to make Shingles for them, promising to pay him for my Work; from that time I was kept constantly employed in riving and shaving Shingles 'till I made my Escape which I effected in the following manner: More shingles than were already made being wanted, two Men from the Garrison were ordered to fell some Trees for that Use, about a Mile, and a half from the Fort, but as they did not so well know what Trees were best for that Use, as I did, the Interpreter told me that I must go out to them and mark such Trees as were most fit and give them Directions to cut the Stuff into proper Lengths, I was at that time at Work in a Log-house near the Fort and upon receiving such Orders I took my Blanket and a Tomahawk and went towards the place where the two Labourers were at Work, but as soon as I was out of Sight of the ffort, thinking I had now a fair Opportunity of making my Escape, I struck off to the Right into the Woods, and made the best of my Way to Fort Cumberland when I came in View of that Place which I did the ninth day after I left du Quesne, I halloo'd two or three Times and then discover-

Lib. J. R.
& U. S.

p. 150

Lib. J. R. ing a Man and two Women near the Creek's Side, I advanced
 & U. S. towards them, and one of them saying you may come through
 here I immediately waded through, and the sentry conducted
 me to Colonel Stevens the Commandant, I was glad to have
 thus escaped from the French and Indians by whom I had
 and should have been treated as a Slave, but I was at the
 same time very anxious, and much afraid, I should be now
 discovered and punished as a Deserter; I therefore pretended
 that I had been taken Prisoner by a party of Indians some
 time before and carried off by them from the Frontiers as
 other poor Wretches had been, I communicated to Colonel
 p. 151 Stevens all that I knew of the late Transactions of the French
 and their Indian Allies, the Strength of their Forts, and
 Garrisons and what I had heard of their future Designs, and
 concealed nothing from him but my Desertion from Fort
 Cumberland, the discovery of which I apprehended might
 endanger my Life. The Colonel seemed satisfied with the
 Account I gave, ordered me some Cloaths and Victuals, and
 I was treated kindly while I remained there, which was
 part of three Days, one Plummer who lives near Fort Fred-
 erick, happened to be then at Fort Cumberland, and a Party
 was ordered to escort him thence to Cresap's Fort, they took
 me with them and as they had given me some spirituous
 Liquor before we set off and made me drink more on the
 Road as well as after we reached Cresap's, I became very
 drunk and was intirely deprived of my Senses whether I did
 say any thing about my having heretofore lived in Baltimore
 County with Darby Tool, or any other Roman Catholics I
 know not, but next day Plummer and some others of the
 party told me that I had confessed in my Liquor that I had
 lied to Colonel Steven, that I was not taken prisoner but
 went off voluntarily to the French being incited thereto by
 several Roman Catholics who corresponded with the Enemy,
 on my insisting that I had uttered no such Words, or that if
 I had there was not the least Truth in them, some of the
 Company beat me unmercifully, and one of them heated a
 Gun Barrel, and swore he would instantly put me to Death
 with it, if I dared to deny a Syllable of what they said I had
 spoke over night, and in short they threatned me so terribly
 that I was persuaded there was no other Way for me to save
 my Life than by acknowledging what they told me I had
 declared while I was drunk, and by assenting to all the Ques-
 tions that they thought proper to ask me. I found that they
 would be pleased with my making some Information against
 the Catholicks, and as I knew some of that profession, and
 had heard the Names of others, while I lived in Baltimore,
 I framed such a Story as I thought would be believed, and on

my arrival at Fort Frederick repeated it to Captain Dagworthy, being then afraid to deny what I had declared on the Road, lest by recanting and contradicting myself, I should lessen my own Credit and be at least punished as an Impostor. this was my only Reason for falsifying to Colonel Cresap and to your Excellency as often as I have been examined, but as I find I can no longer deceive you I solemnly declare that I never was at M^r Neal's, or any other Mass House in my Life, that I was never in Company with M^r Neale or Wheeler, and that every Word that I have heretofore told you concerning them, M^cDonald, Diggs, Crayton & Burk was absolutely false. I have now given a true Account of myself and how I have spent my Life, and if your Excellency will make Enquiry, the several persons that I have lived and worked with will confirm what I have said, I never have taken up Arms against the English, or joined the French or Indians against them, I appeal to the Captives that were recovered at Kittaning for the Truth of what I have spoken concerning Kirking Pauley's manner of treating me, and if ever any of the English prisoners that are now at Fort du Quesne shall escape, I am satisfied they will certify that I was there used as I have related, and that I made my Escape in the manner I have mentioned. I am exceedingly sorry that I have so long imposed on your Excellency, I hope you will pardon me, and that I shall not be hanged for telling such a Story as I did when I was made to believe that I had no other Way to save my Life. Upon hearing the foregoing Depositions, and the Recantation of William Marshall, it is the Opinion and Advice of this Board to his Excellency that the before mentioned Bennett Neale, Ignatius Wheeler, Ulick Burk, John Cretin, Thomas Burgen, Darby Tool, and James M^cDonald be discharged, and being called in they were discharged accordingly:

10th January 1757.. Ordered by his Excellency the Governour that proclamations issue to the Sheriffs of the several Counties, as follows.

Maryland ss. By his Excellency Horatio Sharpe Esq^r
Governor and Commander in Chief in and
over the province of Maryland.

A Proclamation

Whereas the present general Assembly of this province stands prorogued to the 31st Day of March next, And whereas his Majesty's Service requires their meeting before that time, I have therefore thought fit with the Advice of his Lordships Council of State to publish and declare, and I do

Lib. J. R.
& U. S.

p. 152

Lib. J. R. hereby publish and declare, that the said General Assembly,
 & U. S. meet and be held at the City of Annapolis on Monday the
 p. 153 24 Day of this Instant January and to the Intent that all
 persons concerned may have due Notice thereof, I do hereby
 strictly charge and require the several Sheriffs of this prov-
 ince to make this my proclamation public in their respective
 Counties in the usual manner as they will answer the Con-
 trary at their peril: Given at the City of Annapolis this
 tenth Day of January in the 6th year of his Lordship's Do-
 minion, Annoque Domini 1757:

J Ross Cl: Con:

At a Council held at the City of Annapolis on Monday
 the 24 Day of January in the sixth year of his Lordships
 Dominion Annoq Domini 1757:

Present

His Excellency Horatio Sharpe Esquire Governor
 the { Benjamin Tasker Esq^r } Richard Lee Esq^r
 honourable { Col: Hammond } &
 { Col: Tasker } Benedict Calvert Esq^r

Ordered by his Excellency the Governor with the Advice
 of this Board, that the present General Assembly, which
 was this Day to have met be further prorogued to Tuesday
 the 25th Instant. there not being a sufficient Number of
 Members of the Lower House met to make a House, and
 proclamation issued accordingly

25th January 1757:

Ordered by his Excellency the Governour, with the Advice
 of this Board, that the present General Assembly which was
 this Day to have met be further prorogued to Wednesday the
 26th Instant there not being a sufficient Number of Members
 of the Lower House met to make a House, and proclamation
 issued accordingly.

26th January 1757.

Ordered by his Excellency the Governor, with the Advice
 of this Board that the present general Assembly, which was
 this Day to have met be further prorogued to Thursday the
 27th Instant there not being a sufficient Number of Members
 of the Lower House, met to make a House, and proclamation
 accordingly issued

27th January 1757.

Lib. J. R.
& U. S.
p. 154

Ordered by his Excellency the Governor with the Advice of this Board that the present general Assembly which was this Day to have met be further prorogued to Friday the 28: Instant there not being a sufficient Number of Members of the Lower House, met to make a House, and proclamation accordingly issued.

28th January 1757.

Ordered by his Excellency the Governor with the Advice of this Board, that the following Proclamation issue.

Maryland ss. By his Excellency Horatio Sharpe Esq^r
Governor and Comm. in chief in and over
the Province of Maryland.

A Proclamation

Whereas the present general Assembly of this Province stands prorogued to Friday the 28th of this Instant January, and whereas it has been represented to me by the Members of the lower House of Assembly now present in Town, that they apprehend there will not a sufficient Number of Members meet to make a House, I have therefore thought fit with the Advice of his Lordship's Council of State further to prorogue the same, and I do hereby further prorogue the same to Thursday the 10th of March next, and to the intent that all persons concerned may have due notice thereof, I do hereby strictly charge and require the several Sheriffs of this province to make this my proclamation publick in their respective Counties in the usual manner as they will answer the contrary at their peril: Given at the City of Annapolis this 28th Day of January Anno Domini 1757:

J Ross Cl: Con:

5th March 1757..

Ordered by his Excellency the Governor, with the Advice of this Board, that the following proclamation issue.

Maryland ss. By his Excellency Horatio Sharpe Esq^r
Governor and Comm^r in chief in and over
the Province of Maryland.

A Proclamation

Whereas the present general Assembly of this province stands prorogued to the 10th Day of this Instant March and whereas my Attendance on his Majesty's Service will prevent my meeting of them at that time, I have therefore

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Lib. J. R. thought fit with the Advice of his Lordships Council of State
& U. S. further to prorogue the same and I do hereby further pro-
rogue the same, to Monday the 28th of this Instant March,
and to the intent that all Persons concerned may have due
Notice thereof I do hereby strictly charge and require the
several Sheriffs of this province to make this my proclama-
tion public in their respective Counties in the usual manner as
they will answer the Contrary at their peril. Given at the
City of Annapolis this 5th Day of March in the 6th year of his
Lordship's Dominion Annoque Domini 1757.

At a Council held at the City of Annapolis on Wednesday
the 30th Day of March in the sixth year of his Lordship's
Dominion, Annoque Domini 1757.

Present

His Excellency Horatio Sharpe Esquire Governor. the
honourable Benjamin Tasker Esq. Col: Benjⁿ Tasker, and
Bened^t Calvert Esq:

His Excellency is pleased to lay before this Board a Re-
port made to him by the Justices of Ann Arundell County
Court, whereby it appears that they had passed sentence of
Death, upon Negro Tida the Slave of Ephraim Gover, for
feloniously attempting to poison her said Master, ordered
that dead Warrant issue for her Execution on Wednesday
the 6th day of April next, and also a Report made to him by
the Justices of Dorchester County Court whereby it appears,
that they had passed Sentence of death upon three Negroes
for Felony and House breaking (to wit) Negro Sampson
the Slave of Denwood Hicks, Negro Booze the Slave of the
said Hicks, and Negro Siladdy the Slave of Elizabeth Trippe
Widow, but forasmuch as it appears by the Representation
of several persons in favour of the above Negroes Sampson
and Siladdy that they are Objects of Mercy, it is the Advice
of this Board to his Excellency that he be pleased to order
pardons for the said Negroes, which issued accordingly and
dead Warrant was ordered to issue for the Execution of
Negro Booz on the 13th Day of April next.

Ordered by the Advice of this Board that the following
proclamation issue.

Maryland ss: By his Excellency Horatio Sharpe Esq^r Lib. J. R.
Governor and Commander in chief, in and & U. S.
over the province of Maryland. p. 156

A Proclamation

Whereas the present general Assembly of this province was this 30th Day of March appointed to be held at the City of Annapolis, and whereas there is not a sufficient Number of Members met to make a House, occasioned by the small pox still continuing in the said City, I have therefore thought fit with the Advice of his Lordship's Council of State further to prorogue the same, and I do hereby further prorogue the same to Tuesday the fifth Day of April next to be then held at Baltimore Town in Baltimore County, and to the Intent that all persons concerned may have due Notice thereof I do hereby strictly charge and require the several Sheriffs of this province to make this my proclamation public in their respective Counties in the usual Manner, as they will answer the contrary at their peril: Given at the City of Annapolis this 30th Day of March in the 6th Year of his Lordships Dominion Annoque Domini 1757.

The following Letter from the Board of Trade was transmitted by the Governor to Benjamin Tasker Esq^r

Whitehall October 9th 1756.

S^r

It having been represented to his Majesty, that the several Islands and Colonies belonging to the French in America have in Times of War been frequently supplied with provisions of various Kinds, by means of the Trade carried on from his Majesty's Islands, and Colonies to the Colonies and Settlements belonging to the Dutch and other neutral Powers, it is his Majestys Pleasure that you do forthwith upon the Receipt of this Order give immediate Directions, that an Embargo be laid during his Majesty's Pleasure upon all Ships and Vessels clearing out with Provisions from any Port or Place within your Government, except those that shall be employed in carrying Provisions to any other of his Majesty's Colonies and Plantations which Ships or Vessels are to be allowed to sail from Time to Time, provided that the Masters or Owners do, before they are permitted to take any Provisions on Board enter into Bonds with two Sureties of known Residence there, and Ability to answer the Penalty, with the Chief Officers of the Customs of the Ports, or Places from whence such Ships or Vessels shall set sail, to the Value of one thousand pounds if the Ship be of less Burthen than one hundred Tons, and of the Sum of two thousand pounds

Lib. J. R. if above that Burthen, that the Cargoes of such Ships or
 & U. S. Vessels, the Particulars of which are to be expressed in the
 Bond shall not be landed in any other Ports or Places than
 such as belong to his Majesty, or are in possession of his
 Subjects, and that they will within twelve Months after the
 Date thereof, the Danger of the Sea excepted produce Certifi-
 cates, under the Hands, and Seals of the principal Officers
 of the Customs at such Ports or places for which such Ships
 or Vessels cleared out that the said Cargoes expressing the
 p. 157 particulars thereof, have actually been landed there, and
 when there shall be Cause to suspect that such Certificates
 are false and counterfeit, you shall take especial Care that
 such Security be not cancelled or vacated, until you shall
 have been informed from the said principal Officers of the
 Customs that the Matter and Contents thereof are just and
 true, and in Case the Masters or Owners of such Ships or
 Vessels shall not produce the said Certificates within the
 Time limitted you are to attest the Copies of such Bonds
 under your Hand and Seal, and to cause Prosecution thereof,
 and you are also to give Directions that no Person be ad-
 mitted to be Security for another, who has Bonds standing
 out undischarged, unless he be esteemed responsible for more
 than the Value of such Bonds.

And in order the more fully to answer his Majesty's In-
 tention of distressing the Enemy and to render his Orders
 herein the more effectual you are to take Care in Case the
 Masters or Owners of any Ships or Vessels having cleared
 out from the Colony under your Government shall be de-
 tected in causing collusive Captures to be made of the Car-
 goes, that the severest Penalties be inflicted upon the Offend-
 ers which the Laws will in such Case allow of.

We are
 Sir

Your most obedient humble Servants

Dunk Halifax
 Andrew Stone
 James Oswald

Ordered that the following Letter issue to the several
 Officers of the Customs within this Province.

S^r

It being recommended to me by the Right honourable the
 Earl of Loudoun as a Matter of the greatest Importance for
 his Majesty's Service that an Embargo should be laid in the
 several Ports within my Government, you are therefore here-

by required not to clear any Ship or Vessel now lying within your Port, until you shall receive my further Directions herein. Lib. J. R. & U. S.

I am Sir

Your most humble Servant

9th March 1757.

To A: B: Collector of the Customs

Hor^o Sharpe

At a Council held at Baltimore Town in Baltimore County on Tuesday the fifth Day of April in the sixth Year of his Lordship's Dominion Annoque Domini 1757:

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r }
honourable { Colonel Benjamin Tasker } Benedict Calvert Esq^r

Ordered by his Excellency the Governor with the Advice of this Board that the present general Assembly which was this Day to have met, be further prorogued to Wednesday the sixth Instant there not being sufficient Number of Members of the Lower House met to make a House, and proclamation issued accordingly. p. 158

6th April 1757:

Ordered by his Excellency the Governor by the Advice of this Board, that the present General Assembly which was this Day to have met be further prorogued to Thursday the seventh Instant there not being a sufficient Number of Members of the Lower House met to make a House, and Proclamation issued accordingly.

7th April 1757:

Ordered by his Excellency the Governor by the Advice of this Board, that the present General Assembly which was this Day to have met be further prorogued to Friday the Eighth Instant there not being a sufficient Number of Members of the Lower House met to make a House, and Proclamation issued accordingly.

At a Council held at Baltimore Town in Baltimore County on Friday the eighth Day of April in the seventh Year of his Lordships Dominion Annoque Domini 1757.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The { Benjamin Tasker Esq^r } Col. Benjamin Tasker
honourable { Col^o Charles Hammond } Richard Lee Esq^r
{ Col^o Edward Lloyd } Benedict Calvert Esq^r

Lib. J. R. His Excellency is pleased to lay before this Board the fol-
& U. S. lowing Minutes.

Minutes taken at a Meeting of the Governors of North Carolina, Virginia, Maryland, and Pensilvania, with the Earl of Loudoun Commander in Chief of his Majestys Forces in North America began at Philadelphia 15th March, and continued by several Adjournments to March 1757.

The Meeting having been informed by the Earl of Loudoun that there was a Plan approved of by his Majesty of employing the greatest Part of the Troops this Campaign to the Northward, and that he had invited them to this Meeting, in order to concert in Conjunction with them a Plan for the Defence of the Southern Provinces whilst the other Operations were carrying on,

His Lordship further acquainted them that he was willing to leave for the Defence of the Southern Provinces one Battalion to be completed to one thousand Men, and the three independant Companies in South Carolina of one hundred Men each which may amount to two hundred effective Men.

And that he thought it necessary for the Security of the Whole, that the several Provinces should furnish by the following Proportions.

Pensilvania	1400
Maryland	500
Virginia	1000
North Carolina	400
South Carolina	500
which joined to the	} 1200
King's Troops	
make in the Whole	5000 Men.

And the several Governors do engage to use their best Endeavours with their several Provinces to raise and support the above Number to act in Conjunction with the regular Forces, and under the Command of his Majesty's General, or the Officer properly authorized according to his Majestys Regulation.

The Meeting taking into Consideration the Situation of the several Provinces, and the Intelligence received from different parts, it appears to them that there is Danger of the Enemies making an Attack upon the Province of South Carolina, either by Sea from Saint Domingo or from the Albarno Fort in the Creek Indians County, on the Head of the Mobile.

For which Reason they have agreed that there ought to be two thousand Men employed in the Defence of that valuable province of South Carolina, and to secure Georgia, and that they should be composed as follows. Lib. J. R.
& U. S.

Five Companies of Regular Troops	500
Three independant Companies	200
Provincial Troops, raised by the Prov- ince of South Carolina }	500
Provincial Troops from North Carolina	200
Provincial Troops from Virginia	400
Provincial Troops from Pensilvania	200
<hr/>	
making in the Whole	2000 Men.

That the said Troops should be put under the Command of Lieutenant Colonel Bouquet and transported to Charles Town in South Carolina as soon as possible, the regular Troops and the two hundred provincial Troops of Pensilvania by Sea from hence,

The four hundred Provincial Troops of Virginia by Sea from

and the two hundred Troops from North Carolina to march by Land.

The Earl of Loudoun on the Part of the Crown agrees, that he will at the Kings Expence supply the two hundred Men from North Carolina, the 400 Men from Virginia, and the two hundred from Pensilvania, with the Kings provisions from the time they arrive in South Carolina during the Time he keeps them there, but that he expects the several provinces from whence they are detached should transport them there at the Expence of the Province from whence they are sent.

And to prevent any Mistake hereafter arising in Relation to any Demand that may be made It's agreed that the several Provinces shall maintain the Remainder of the Troops raised by them for the Service in every Article, as on this Occasion they are intirely employed in the Defence and for the Security of their respective Colonies. p. 160

And it is further agreed that we the Governors shall in our respective Provinces take particular Care to form such Regulations and to see them properly executed, that in all time coming Carriages for transporting the Baggage of his Majesty's Troops shall be prepared at stated reasonable Rates, and that all the Troops of whatever Denomination, either passing through our provinces, or while in fixed Quarters therein shall in time of Peace be properly quartered,

Lib. J. R. and in Time of War whatever Number of Troops the Com-
& U. S. mander in Chief may judge necessary for Defence, or carry-
ing on the general Service shall be quartered according to
Custom or the Exigencies of Service.

The above Resolutions are agreed to Arthur Dobbs
by the several Governors, and signed William Denny
by us in Presence of the Earl of Rob^t Dinwiddie
Loudoun his Majesty's Commander Hor^o Sharpe.
in Chief

Loudoun

At a Council held at Baltimore Town in Baltimore County
on Tuesday the 19th Day of April in the seventh Year of
his Lordship's Dominion Annoque Domini 1757.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable	{	Benjamin Tasker Esq ^r	}	Col ^o Benjamin Tasker
		Col ^o Charles Hammond		Richard Lee Esq ^r
		Col ^o Edward Lloyd		Benedict Calvert Esq ^r

Upon reading a Petition of the Rector, and sundry Parish-
ioners of S^t Pauls parish in Baltimore County setting forth
that their Parish Church wants Repairs, ordered that the
Vestrymen of the said Parish attend this Board with the
Registry of the Vestry Proceedings on Saturday next being
the twenty third Instant at nine of the Clock in the Morning.

At a Council held at Baltimore Town in Baltimore County,
on Friday the 22^d Day of April in the seventh Year of his
Lordships Dominion Annoque Domini 1757

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable	{	Benjamin Tasker Esq ^r	}	Col: Benjamin Tasker
		Col: Charles Hammond		Richard Lee Esq ^r
		Col: Edward Lloyd		Benedict Calvert Esq ^r

p. 161 His Excellency is pleased to lay before this Board the fol-
lowing Petition

To his Excellency Horatio Sharpe Esq^r Governor and
Commander in Chief, in and over the Province of Maryland
&c.. &c.. and to the honourable Members of his Lordships
Council.

The humble Petition of John Stevenson in Behalf of him-
self and William Walton Esq^r of New York Merchant, & U. S.
most humbly
Sheweth

That in Pursuance to an Agreement with the Governor,
and Royal Officers of Fort St Augustin by the said William
Walton he had contracted for one thousand Barrels of
Flour with your Petitioner to be delivered at Baltimore
Town to such Vessel or Vessels of his as should have Orders
to call for them; on the general Prohibition being ordered
from England for exporting Provisions to any neutral Ports,
the aforesaid William Walton applied to the Governor and
Council at New York, the Minutes of which I have laid be-
fore you who after maturely considering the Contract, and
being thoroughly satisfied that there was no Design to supply
the Enemy, gave Orders to the Custom House to clear out
his Vessels to Fort St Augustin, your Petitioner would most
humbly beg as the Trade of this Province is in a great Meas-
ure concerned, that your Excellency and Honours would
take it into your serious Consideration, and give Orders for
the clearing of a Sloop belonging to the said Walton that
will carry seven hundred Barrels of Flour, being Part of the
three thousand contracted for the Relief of the said Gar-
rison of Fort Saint Augustin, and to enable the said Walton
to comply with his Contract his Vessels to the Northward
being taken into his Majesty's Service as Transports.

And your Petitioner as in Duty bound shall ever pray &c.

Province of New York. At a Council held at Fort George,
in the City of New York, on Monday the 21st Day of Feb-
ruary 1757:

Present

His Excellency S^r Charles Hardy Kn^t Captain General &c.

M ^r Kennedy	}	M ^r Chambers
Lieut ^t Gov ^r Delancey		
M ^r Horsmanden	}	M ^r Smith

M^r Horsmanden from the Committee to whom the Me-
morial of William Walton Esq^r was referred by Order of the
31st Day of January last, read and presented to his Excel-
lency the Committee's Report thereupon, which upon the
Question being put was agreed to, and approved of and
ordered to be entred in the Minutes, and is as follows.

May it please your Excellency

p. 162

In Obedience to your Excellency's Order in Council of the
31st Day of January last, The Committee have had under

Lib. J. R. their Consideration the Memorial of William Walton Esq^r
 & U. S. representing that he is engaged by the Contract with the Governor, and Royal Officers of the spanish Garrison at S^t Augustine on the Coast of Florida to furnish that Garrison with Provisions but being now prohibited by the Embargo laid by your Excellency's Order in Council of the 29th of December last he hopes such order will be made therein as the Case may require:

The Committee upon duly weighing the Proofs exhibited with the Memorial, and other since taken find that this Garrison hath been furnished with Supplies from hence formerly by Contract from William Walton the Memorialists Father, and since with the Memorialist from the year 1726: to the present time except during the late War with Spain, that S^t Augustine is a Place of very little, if any Trade, consisting only of a Garrison. That the Inhabitants cultivate no more Land than is necessary for Kitchen Gardens, and that all Provisions imported by any other person than the Contractor or by him over and above the Quantities demanded for the Use of the Garrison, are liable to Confiscation, whence it is apparent they almost wholly rely for Subsistence, on the Supplies the Memorialist is obliged to furnish in Virtue of his Contract, the Breach whereof will subject him to the Forfeiture of the Arrears due to him amounting to sixty thousand spanish milled Pieces of Eight. The Committee also find that the provisions furnished by the Memorialist for the Garrison in the Year 1756: and what is demanded for the year 1757 are the Quantities specified in the Schedule N^o 2: annexed to the Memorial, and that the Number of Inhabitants at S^t Augustine may be computed to exceed two thousand.

These Facts appearing sufficiently attested to the Committee they humbly conceive it is his Majesty's Directions, for the laying the present Embargo cannot be construed to extend to a neutral Port, under these Circumstances, it being manifest from their Lordship's Letter signifying his Majesty's Commands that the Trade intended to be restrained is the Trade carried on from his Majesty's Colonies to such neutral Ports or Settlements from whence the Enemy have actually drawn Supplies or from whence they might be obtained, and that the preventing this Mischief is the sole Object of the Embargo, and as on the one Hand the Advantages arising to the Public by this Consumption of its Staple, so necessary at this Time are very considerable, without any Evil to be apprehended from it; and on the other the putting a Stop to the Supplies will not only expose the Me-

morialist to a very heavy Loss but must inevitably reduce a Lib. J. R.
Garrison belonging to a power in Amity with his Majesty & U. S.
to extreme Want, as they cannot be early enough apprized of
the Embargo to provide against it. The Committee, are
humbly of Opinion your Excellency may allow the Memo-
rialist to furnish the Garrison according to the Demand made
for the present Year in the Schedule N^o 2.. upon Security
being given as required by your Excellency's Order in Coun-
cil of the 29th December above mentioned. And that your p. 163
Excellency may know his Majesty's Pleasure in relation to
the further supplying that Garrison the Committee are of
Opinion that Copies of the Memorial and Papers should be
transmitted in order to be laid before his Majesty.

All which is nevertheless submitted, by Order of the
Committee

Dan: Horsmanden Chairman.

City of New York, 14: Feb^y 1757:

Examined by Geo: Banyan. Dep^y Cl: Con:

It is ordered by his Excellency the Governor with the Ad-
vice of the Council that the Collector of his Majesty's Cus-
toms of this Port do clear out the Quantities, and Species of
Provisions following to be ship'd to S^t Augustine within one
Month from the Date hereof by William Walton Esq^r for the
Use and supply of the spanish Garrison at S^t Augustine for
the present year 1757: that is to say three thousand Barrels
of Flour, four hundred and fifty Barrels of Beef, three
hundred and fifty Barrels of Pork, three hundred Firkins of
Hogs Lard, two hundred Firkins of Butter, one hundred and
forty Boxes of Candles, twenty Tierces of Hams, three thou-
sand Pounds of Cheese, one hundred quarter Casks of White
Bread one hundred Tierces of Ship Bread, ten Hogsheads of
Cod Fish, and six thousand Bushels of Indian Corn: the fol-
lowing Quantities and Species of Provisions already ship'd
towards the said Supply, being first to be deducted thereout,
that is to say ten Hogsheads of Cod Fish, one hundred and
six Firkins, and one Barrel of Hog's Lard, two hundred and
fifty Barrels of Beef, and one hundred and fifty Barrels of
Pork the said William Walton first entering into Bond with
two sufficient Sureties, in the Sum of one thousand pounds
sterling if the Vessel be under one hundred Tons Burthen,
and two thousand Pounds sterling if the Vessel exceed that
Burthen to land all and every Part of the Provisions afore-
said at S^t Augustine, and to deliver the same Provisions to
his Catholic Majesty's Governor or Officer there and to
return, and produce authentic Certificates thereof (the

Lib. J. R. Dangers of the Seas excepted) within six Months from the
& U. S. Date of the Bonds respectively.

A true Copy examined and compared with the Original
Entries by me

Geo: Banyan Dep: Cl: Con:

Upon reading the Petition of John Stevenson of Baltimore
County Merchant on Behalf of himself, and William Walton
of New York Merchant, setting forth that the said William
Walton had contracted with the Governor, and Royal Officers
of the spanish Garrison at S^t Augustine, to furnish that Gar-
rison with three thousand Barrels of Flour for the year
1757: and that the said Petitioner had contracted with the
aforesaid William Walton to supply him with one thousand
Barrels of Flour to be delivered to such Vessel or Vessels
of him the said Walton as should be sent for them to Balti-
more Town, seven hundred Barrels of which Flour the Peti-
tioner has ship'd on board a Sloop belonging to the said
p. 164 Walton now lying in Patapsco River, but being prohibited by
the Embargo laid by your Excellency in Council on the ninth
Day of March 1757: he hopes that the said Sloop may be
permitted to clear for S^t Augustine whereby the aforesaid
William Walton Esq^r may be enabled to comply with his
Contract.

It appearing to this Board by a Copy of an Order of Coun-
cil dated at New York Monday 21st February 1757: and now
produced that notwithstanding the Embargo laid there, that
Government had directed the Collector of his Majesty's Cust-
oms at New York, to clear out the Quantity of three thou-
sand Barrels of Flour ship'd by William Walton Esq^r for the
Use and Supply of the Spanish Garrison at S^t Augustine
for the present year 1757:

It is therefore the Advice of this Board to his Excellency
that he permit the Officers of the Customs at the City of
Annapolis to clear out for S^t Augustine seven hundred Bar-
rels of Flour ship'd by John Stevenson in the Sloop Lena
Jonathan Lawrence Master he the said John Stevenson first
entring into Bond, in the Sum of five hundred Pounds
sterling conditioned to produce to the Governor or Com-
mander in Chief of this Province a Certificate from the
Governor or Commander in Chief of New York that seven
hundred Barrels of Flour ship'd and laden on board the
Sloop Lena whereof Jonathan Lawrence is Master now
riding at Anchor at Baltimore Town in Baltimore County
be deemed and taken to be Part of the three thousand Bar-
rels of Flour so as aforesaid contracted to be by the said

William Walton furnished to the said Garrison of St August- Lib. J. R
tine in this present year: & U. S.

Ordered by his Excellency the Governor that the following
Letters be entred

Fort Frederick 29: April 1757:

Brother of Maryland

I this Day came into your Province with a Company of our
Nation in our Way to War against the French Shuanoes,
and all their Indians hearing they killed some of our Brothers,
not knowing when we set off from Winchester but the
Murder was committed in Virginia but coming to this Fort
found we were in another province and on being informed
by Captain Bealle that our Brother the Governor of this
Province had a real Love for our Nation, and that he had
provided Clothes for our Nation though unacquainted with
us, I have just now held a Council with my young Warriors,
and have concluded to write to you to acquaint you our
Brother, our Design of coming into this Province was hear-
ing from our good Brother the Governor of Virginia that it
was the Desire of our Father King George that we would
join the English in War against the French and their Indians,
on hearing this News we immediately took up the Hatchet
against the French and their Indians, and hold it fast 'till
we make Use of it which I expect will be in a few Days, we
intend to set out immediately from this Fort, and on our
Return expect to meet you our Brother here to make our-
selves acquainted with you. if you can't come yourself, you p. 165
will send one of your beloved Men with your Talk to which
we will look upon as from your own Mouth. I hope you will
let the province of Pensilvania know that I am come this
Length to War and if they are in Need of our Assistance
I have Men plenty at Home and will not think it troublesome
to come and fight for our Brothers. I set off from home with
150 Men, Part of which is gone to Fort Cumberland forty
more by this is come to Winchester, our People will be so
frequent now amongst you that I wish you mayn't think us
troublesome. our Heart achs to see our Brothers Bones
scattered about the Country but you will hear in a short time
we have got Satisfaction for our Brothers, and in Confirmation
of what I have spoke I have sent you these few white
Beads to confirm my Regard to this province likewise I have
sent you these black Beads to convince you that I have taken
up the Hatchett against all the English Enemies, we intend
to stay as long amongst our Brothers as there is Use for us
I hope our good Brother wont be backward in providing
Necessaries for us, I have sent you a List of what is useful

Lib. J. R. for us, and have got our good Friend M^r Ross to carry this
& U. S. Letter to you which we shall always acknowledge as a particular Friend to us. as we expect to see you soon we will say no more at present, but remain your Loving Brothers.

his
Wahachey ~ of Keeway
Mark

This is the Truth taken from the Head Warrior	
Wampum	Ribband several Colours
12.. D.. Matchcoats	Beads Lace to robe Strouds
Stroud	Silver Arm Bands
Half Thicks for Leghorns	Silver Wrist Bands
Pipe Hatchets	Ear Bits.
Shirts	Callico for Women
1.. Ruffle for the Warrior	Linen
Pistols for the young Man	Womens Stockings
Knives	Strip't Flannel.
Paint	

Brother Wahachey of Keeway and Brethren of the Cherokee Nations

I have heard of your Fame and your good Intentions towards us from your Brother of Virginia, and have for a long time had a great Desire to see you, but it happens that now you are come I am unable to meet you, this I am sorry for but I hope you will excuse me since I have sent Col^o Cresap to communicate my Sentiments unto you, I have appointed him because I know that he has a particular Regard for you, and because I am confident he will deliver my Words faithfully, he will in my Name and on Behalf of the People of this Province make a League with you which I hope will last as long as the Sun and Moon shall endure. As a Mark of my Friendship towards you I have sent you a present was it in my Power I would have sent you a larger but I hope you will not consider the Value of the Present so much as the Inclination of him that gives it. I have also
p. 166 ordered M^r Ross to supply you with Provisions, which as well as my Present will I hope be acceptable.

Now we have made a League of Friendship and are known to each other as Brethren I will speak to you more freely on the Purpose for which you are come. you say that your good Brother the Governor of Virginia has signified to you that our Father King George desires you will join the English and declare War against the French, and their Indians, who without any just Cause or Provocation have fallen upon our

People, and scattered their Bones as you see over the Country. You also tell me that upon our Fathers Pleasure being made known to you, you have taken up the Hatchet against our Enemies, and that you will hold it fast 'till you have used it against the French and the Indians in their Alliance. I am well pleased that you have already taken such a Resolution, I hope you will soon make our Enemies sensible of it and that you will prosecute the War Vigorously against them. To make your Hatchet sharp, and to confirm it in your Hands I present you with this String of black Wampum

Lib. J. R.
& U. S.

You were told you say when you came to Fort Frederick that you were no longer in Virginia but in another Province this was true, but then I must observe to you that we are notwithstanding one People, the Inhabitants of Carolina Virginia, Maryland Pensilvania, and of all the Provinces to the Northward, are Brethren Subjects of the same King and those who are Friends to any of us must be Friends to all, you are then the Friends of us all, let us become one people, and unite against the French, and their Indians our Enemies, let our Men go out to War with you, look on them as your Brethren teach them to fight after your manner, and then neither the French nor their Allies will be able to stand before you. For your Encouragement and as a Reward for them that fight bravely I will give you a Present as large as that now lying before you for every two Enemies that you shall take Prisoners, or kill, and bring me the Scalps of; or I will give you the Value thereof in Money, Let this sink deep into the Minds of your young Men and remember my Promise in the Day of Battle. I have ordered Captain Beall who commands the Men at Fort Cumberland to receive and at all times treat you and those of your Nation that you expect will join you as Brethren and as my best Friends I have also notified your Arrival to your Brother the Governor of Pensilvania. In this Shape I have done according to your Desire, and that the Words which I have now spoken are agreeable to you to confirm the Truth of them, and to convince you that they flow from my Heart I give you this Belt.

To his Excellency Horatio Sharpe Esq^r Lieutenant Governor and Commander in Chief of the Province of Maryland
S^r

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Agreeable to the Instructions which we had the Honour to receive from your Excellency the 17th Instant we proceeded the same Day towards Fort Frederick and reached that Place on the nineteenth in the Afternoon, we were met about nine Miles beyond Conegochiegh by a Party of the

Lib. J. R. Cherokee Indians who escorted us to the Fort and when we
 & U. S. came near the Gate drew up in a Rank and saluted us, Wahachey their Chief then invited us to smoak a Pipe with him, and some of the Warriors that were in greatest Esteem, on our accepting his Invitation he bade us welcome, and expressed great Satisfaction at our Arrival, he afterwards enquired how long we had been on the Road, and what the Distance was between Fort Frederick and the Place where the Governor resided, when we informed them that we had performed the Journey in three Days they seemed to be surprized that they had not received an answer to their Message sooner, and observed that many Days had elapsed since your Excellency must have received it, we told them that when they sent their Message you happened to be far from home and that you had been obliged after your Return home to send to distant Parts of the province for a Quantity of Goods to make them a present of, by Reason that a proper Assortment was not to be had in Annapolis nor in any one Part of the Province with this Answer they seemed to be well satisfied and only asked whether the Goods were yet collected and brought up, we told them they may be expected in a Day or two, and that whenever they came we should immediately advise them thereof, the Chief afterwards asked some Questions about the Treaty which he said he had heard the Governor of Pensilvania was then holding with the Shawanese and Delawares at Lancaster, and expressed a good Deal of Surprize at the Pensilvanians treating as Friends and making Presents to a People with whom they were at open war, by whom they had been so cruelly used, and against whom the English had been and were still soliciting their (the Cherokees) Assistance; finding that what had been drop't about that Treaty had made an ill Impression on their Minds, we intimated that the Affair had been misrepresented to them for that none but some of the six Nations, and of certain Tribes of the Shawanese and Delawares who were in Amity with the English, and who disapproved of the others Conduct were come to the Treaty of which they had heard. The Chiefs soon after ordered some of their young Men to bring down the two Indian Prisoners which they had taken, and by way of Compliment obliged them to parade before us, and to sing their Death Songs. The next Day we invited the Chief and the principal Warriors to dine with us, and after Dinner the Interpreter Captain Pearis told them he understood that their Brother the Governors' Present would be up the next Morning, and that he had made a considerable Addition to it as a Reward for the Services they had done in destroying four and taking two of the

Enemy Prisoners, but that it was expected that they should deliver up the Prisoners and Scalps before they received the additional present, such being the Custom here, and what was required by the Laws of this Province, to this the Chief replied with some Warmth that he thought it would suffice to shew his Brother the Governor, or those that he had sent to represent him the prisoners, and the Scalps of the Enemies that they killed in Battle that it was the Indians Custom to preserve as Trophies the Hair of the Enemies that they killed in Battle, and to carry them home to their own People, and in short that if they were not to have the Goods that had been talked of unless they would purchase them with their Prisoners or Scalps they would return home naked as they came thence, and that they would think no more of going to War if they were not allowed to keep what they set the highest Value on as it procured them most Honour among their own people, as the Chief (for many of the others did not) appeared to be much displeased with the proposal that had been made or the Intimation that had been given him by Captain Pearis we desired the Interpreter to drop the Affair but as we were not at Liberty to give them a larger Present than could be purchased with one hundred Pounds unless they would deliver up the Scalps to be destroyed agreeable to the Directions of the Act of Assembly and found that so small a Present as one hundred Pounds would not be acceptable we desired M^r Pearis the Interpreter to talk to them severally, and to endeavour by any Arguments that he should think fit to urge to persuade them to give up some of the Scalps, that we may be thereby enabled to make such an Addition to the Present given by the Assembly as might make it acceptable. In the Morning of the 21st Instant he assured us that he had used his utmost Endeavours to procure us either the Prisoners or some Scalps, but that Wahachey the Chief continued obstinate, and had declared that nothing should tempt him to part with the Prisoners, however that Yaughtaney the second in Reputation and who was in fact much better affected than the other had promised him to send the Scalps as a Present to your Excellency afterwards though he could not deliver them up to be destroyed in such a manner as the Act directs lest he should be charged by his own people with selling them. Upon this Assurance we sent to Conegochieghe for two hundred pounds worth of Goods more, and as soon as they were brought up we advised the Indians thereof, and desired to know if they would choose to receive them in the Afternoon, and to hear your Excellency's Answer to the Message which they had sent you by M^r Ross, our proposal being accepted, the Goods

Lib. J. R.
& U. S.

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Lib. J. R. as well those that were purchased with the one hundred
& U. S. pounds granted by the Assembly as those purchased with
the two hundred Pounds (the Price of four Scalps) were
after Dinner laid on a Table in two seperate Parcels, and
when all the Indians, except a few who were left to guard
the Prisoners were assembled Captain Beall the Commandant
of the Fort, Captain Armstrong who come thither from
Pensilvania with a Message from Governor Denny to the
Cherokees, and several other Officers of the Maryland and
Pensilvania Troops being also present, we addressed our-
p. 169 selves to Wahachey the Chief saying that we were come
thither by your Order, and that we were about to deliver
your Excellency's Answer to their Message which Answer
Captain Pearis would interpret to them and then we pro-
ceeded.

Brother Wahachey of Keeway, and Brethren of the Chero-
kee Nation.

I have received the Message which you sent by M^r Ross to
advise me of your being come to Fort Frederick I rejoice at
your Arrival and bid you welcome by this String of white
Wampum. gave a String

I have heard of your Fame and your good Intentions to-
wards us from your Brother of Virginia, and have for a long
Time had a great Desire to see you but it happens that now
you are come I am unable to meet you this I am sorry for
but I hope you will excuse me since I have sent M^r Wolsten-
holme, and M^r Ridout to communicate my Sentiments to you
I have appointed them because I know that they have a
particular Regard for you and because I am confident they
will deliver my Words faithfully, they will in my Name
and on Behalf of the People of Maryland make a League
with you which I hope will last as long as the Sun and Moon
shall endure to confirm it I represent you this Belt of Wam-
pum. gave a Belt

Brethren

When M^r Ross was with me I gave him Orders to supply
you with such Provisions as you should stand in Need of as a
farther Mark of my Friendship towards you, I have now
sent you a Present (pointing to that of one hundred Pounds
Value) was it in my Power I would send you a larger, but
as it is not, I hope you will not consider the Value of the
Present so much as the Inclination of him that sends it.

Brethren

Now we have made a League and are known to each other
I will speak to you more freely on the Purpose for which you

are come, you say that your good Brother the Governor of Virginia has signified to you that our Father King George desires you will join the English, and declare War against the French and their Indians who without any just Cause or Provocation have fallen upon our People and scattered their Bones over the Country you also tell me that upon our Father's Pleasure being made known to you, you have taken up the Hatchet against our Enemies, and that you will hold it fast, till you have used it against the French, and the Indians in their Alliance, I am well pleased that you have already taken such a Resolution, I hope you will soon make our Enemies sensible of it, and that you will prosecute the War vigorously against them to make your Hatchet sharp, and to fasten it in your Hands, I present you with this String of black Wampum

Lib. J. R.
& U. S.
gave a String,

You were told you say when you came to Fort Frederick that you were no longer in Virginia but in another Province this was true but I must observe to you that we, and the Virginians are nevertheless one People, the Inhabitants of Carolina Virginia, Maryland, Pensilvania, and of all the Provinces to the Northward are Brethren Subjects of the same great King, and they that are Friends to some of us must be Friends to all, you are then the Friends of all, Let us become one People, and unite against the French and their Indians our Enemies, Let our Men go out to War with you, look on them as your Brethren, teach them to fight after your Manner, and then neither the French nor their Allies will be able to stand before you, for your Encouragement and as a Reward for those that fight bravely, I will give you a Present as large as that which I have now sent you (pointing to the small Parcel) for every two Enemies that you shall take Prisoners, and deliver up to me, or that you shall kill and bring me the Scalps of, or I will give you the Value thereof in Money Let this sink deep into the Minds of your young Men, and let them remember my Promise in the Day of Battle, I have ordered Captain Beall who commands at Fort Frederick, and the Officer that commands the Men at Fort Cumberland to receive and at all Times treat you and those of your Nation that shall join you as my best Friends, I have also notified your Arrival to your Brother the Gov^r of Pensilvania, in this I hope I have done according to your Desire and that the Words which I have spoken are agreeable to you to confirm the Truth of them, and to convince you that they flow from my Heart I give you this Belt. gave a Belt, and the Answer in Writing.

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Lib. J. R. After a short Pause we addressed ourselves to them again,
& U. S. and spoke to the following Purport.

Brethren

You have heard your Brother the Governor's Answer to your Message; you have also seen the Present which he sent you as a Mark of his Friendship, and to welcome you to this Province we are now to congratulate you in his Name on the Success which you have lately had against his and your Enemies, he was exceedingly pleased with the News and for the Service you have already done he has ordered us to give you these Goods (pointing to the large Parcel).

Brethren

Now you have found where the Enemy is to be met with, we hope you will not suffer them to escape but on the Contrary that you will pursue and overtake them, and destroy till none of them remain, to inspire you with such a Resolution your Brother the Governor sends you this String. gave a String of black Wampum.

After a few Minutes Wahachey rose up and said, he heard good Words, and then stepping up on one of the Seats that were round the Table, he harangued his People a considerable Time, repeating, as we were told by the Interpreter the Substance of what we had said, and concluding with an Exhortation to the young Men, to look on the English and on the People of this Province in particular as their Friends
p. 171 and Brethren, to fight bravely for them against the Enemies that had attacked them, and to entitle themselves to the Present that had been promised as a Reward for their Valour. they then proceeded to divide the Goods, and we retired having first desired the Commandant of the Fort to order Sentries to the Door to prevent the Intrusion of any white People.

An Account being brought to the Fort in the Evening that several Moccason Tracks had been discovered a few Miles off on the South Side of Potowmack River, and the Indians being informed thereof they sent to us early in the Morning of the 22^d Instant saying they were very impatient to pursue the Enemy, that had as it was supposed made the above mentioned Tracks, and that they hoped we would meet them as soon as possible, and hear the Reply that they intended to make to their Brother the Governor, we immediately complied with their Request, and as soon as we were seated the Chief expressed himself in the following Words.

I am now going to reply to the Governor of Maryland, but as I do not understand making Beads I shall send him nothing but Paper. Lib. J. R.
& U. S.

Brother

While I was coming from home my Thoughts were very bad I was enraged against the Enemy who have been murdering my Brethren, but now I have been out and killed some of them I am better satisfied in my Mind, my Brother the Governor of this Province has sent us this Belt (holding in his Hand the Belt that was first given the Day before) to welcome us hither, and to open a Path from my Country this shall be done, at present it is only a small Track but I will make it a large Path, all my young Men have taken hold of this Belt, they are determined to make the Path broad, and will take Care that no Blood be shed upon it, I will keep this Belt to remind our young Men to freshen the Track, and I will immediately send off to my Nation that they may see these Belts (holding up all the Belts, and Strings that had been given him) and know how kindly we have been received, and treated in this province. I will also send them a Speech, and invite them hither to go out to War with us, and to receive Presents as we have done, these are not only my own Sentiments, and my own Resolutions but all the young Warriors that are with me agree with me and are come to the same Determination. This String (holding up the black String that was first given) my Brother the Governor sent to sharpen my Hatchet he may depend on our doing so therewith, and that we will always have it stained with the Blood of the Enemy, the very Sight of this String makes me angry with them, they have often sent to me calling me their Father but I looked on them with Disdain and as Enemies. My Talk with the Governor of Maryland shall be always straight I shall never deal double with him and I hope his Language to us will be always straight and true. (then holding up the black String that was last given he said,) I received this Yesterday with a Speech to invite me to War, which I receive as it came from our Father King George, the Governor our Brother having sent you to deliver it, and you may be assured that so long as King George will furnish us with Clothes, I will continue to destroy his and our Enemies, I have been along here to War and having killed a few of the Enemy have received a small Present, but when I come this Way again with my People, I will kill more of the Enemy and hope to receive a larger Present I hope our Father King George will take Care to furnish us with Cloaths and I desire he might be informed of what I

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Lib. J. R. have already done, and of what I intend to do. The young
 & U. S. Warrior called Yaughtanew then put into his Hand the
 Scalps which he had promised us, and holding them up
 Wahachey proceeded) when I came to Winchester I heard
 that the Enemy was murthuring People in this Province, the
 News made my Heart ach, and I immediately pursued and
 came up with them, I have killed some of them, and to shew
 my Brother the Governor that I have destroyed some of
 his, and my Enemies I send him this Hair, for which I expect
 my Brother will thank me (gave the Scalps) he then signed
 the Answer as it was taken down, and the Interpreter certi-
 fied it to be a true Interpretation, as your Excellency will
 see by the Original herewith presented. After he had done
 speaking we thanked him in a few Words for the Reply he
 had made and the Hair which he had given, and concluded
 with telling them that you would look on the latter as a
 Testimony of their Bravery, and Memorial of their Friend-
 ship

As soon as we had finished Captain Armstrong, and
 the other Gentlemen who were sent by Governor Denny
 to invite the Cherokees to Pensilvania delivered their Mes-
 sage and Yaughtanew the second Warrior gave them a short
 Answer. The Indians soon after took their Leave appearing
 well satisfied, and went over to Virginia, carrying their two
 Prisoners with them, we also left the Fort the same Day, and
 returned towards Annapolis to inform your Excellency of
 our Proceedings, and to assure you that we are

Your Excellencys most humble
 and most obedient servants.

Brother Yaughtanew of Chota

I am very glad to find that the Talk which I sent to you,
 and my Brethren of the Cherokee Nation by M^r Wolsten-
 holme and M^r Ridout was agreeable and that the Present
 which they delivered to you from me was acceptable I per-
 suade myself you are thoroughly convinced of my Friendship
 towards yourself and your Nation, I hope you will persuade
 your People to entertain the same opinion of me, and that
 you will invite your young Men to come and join you to go
 out to War with you against our Enemies, I am very glad to
 hear of your late Success, which I look on as a good Omen,
 and as a Sign that the supreme Being the Father of us all
 p. 173 approves of the Step you have taken in opening a Path from
 your Country, and coming to fight for your Brethren, I thank
 you for the Hair which you have given me, and regard it as

a Testimony of your Bravery and Memorial of your Friendship in return I send you a Belt of Wampum, which you will I hope send home to your People, and desire the young Men to take hold thereof and to do as you have already done.

Lib. J. R
& U. S.

At a Council held at the City of Annapolis on Wednesday the eleventh Day of May in the seventh year of his Lordships Dominion Annoque Domini 1757:

Present

His Excellency Horatio Sharpe Esq^r Governor.

The { Benjamin Tasker Esq^r } Col: Benjamin Tasker
honourable { Col: Charles Hammond } Benedict Calvert Esq^r

His Excellency is pleased to lay before this Board the following Petition and Letter.

To his Excellency Horatio Sharpe Esq^r Governor of Maryland The humble Petition of Daniel Wolstenholme of Annapolis Merchant.

Sheweth

That your Petitioner having lately received Orders from Christopher Kilby Esq^r one of the Contractors for his Majestys Troops in North America to ship a Quantity of Provisions for the Use of the Forces to be employed in the Defence of South Carolina, has now a Sloop lying in Severn River called the Elizabeth Edmund Rutland Master ready to sail with Part of the said Provisions on board. Your Petitioner therefore agreeable to Instructions given him which are ready to be produced to your Excellency humbly requests your Excellency's Permission for said Vessel to depart this Province on her intended Voyage and as in Duty bound he will ever pray &c..

Dan: Wolstenholme.

Daniel Wolstenholme Esq^r

Philadelphia 25.. March 1757..

S^r

You are hereby desired to purchase and convey to M^r Benjamin Stead Merchant in Charles-Town in South Carolina in the best and most effectual manner 700.. $\frac{1}{4}$ of Flour, and 350.. $\frac{1}{4}$ of Bread for the use of the Forces to be victualled in that Province at the Expence of the Crown, and as a Special License may possibly be necessary for the first Vessel to be dispatch't, or some others that may follow hereafter, you'll please to apply to Governor Sharpe with this Letter,

Lib. J. R. and request his Orders and Directions for that Purpose, for
& U. S. the Cost and Charges attending this Service, and your Com-
p. 174 mission thereon you'll be reimbursed by Bills of Exchange on
Messieurs William and Richard Baker Merchants in London,
in the Disposal of which you'll be pleased to use your utmost
Endeavours that the highest Exchange may be attained. The
Quantity mentioned in the same I have ordered from Vir-
ginia, yours may be diminished at present and made good or
augmented in future as it will be governed by the Price and
opportunities, and Expence of Conveyance, upon which you'll
consult M^r Howel of this Place, with whom you'll be pleased
to continue a constant Correspondence.

I am S^r

Your humble Servant

Chris: Kilby,

If Pease or any other Thing should be
mentioned by M^r Howel as wanted at
Philadelphia to Carolina or New York
you'll please to purchase and ship accordingly

C.. Kilby

To Daniel Wolstenholme Esq^r
of Annapolis in
Maryland.

Upon reading the Petition of Daniel Wolstenholme of
Annapolis Merchant setting forth that Christopher Kilby
Esq^r one of the Contractors for his Majesty's Troops in
North America has desired him to purchase a Quantity of
Provisions for the Use of the Forces to be employed in
the Defence of South Carolina, which Contract being pro-
duced to this Board, and the said Daniel Wolstenholme
having procured a Sloop now lying in Severn River called the
Elizabeth Edmund Rutland Master to sail with part of the
said Provisions on board therefore prays Permission for
the said Vessel to depart this Province on her intended
Voyage.

It is the Advice of this Board, and his Excellency is pleased
to order that the Officers of the Customs at the City of An-
napolis do clear out for South Carolina the said Sloop called
the Elizabeth Edmund Rutland Master with such Provisions
as he may have on board for his Majesty's Forces he comply-
ing with all the Laws now in Force in this Province.

The Report of John Brice Esq^r one of the Justices of
Assize of the Western Shoar being laid before this Board
whereby it appears that he had passed Sentence of Death
upon a certain John Grimshaw of Prince Georges County

Planter, for feloniously breaking and entring the Store Lib. J. R.
House of Thomas Chittam of the County aforesaid Innholder & U. S.
and stealing thereout two Pair of Womens leather Pumps
of the Value of fifteen Shillings Current Money contrary
to an Act of Assembly of this Province, who being repre-
sented as a Person of a very bad Character, ordered Dead
Warrant for his Execution.

S^r

p. 175

At the Request of the Grand Jury for the County of Kent,
we beg leave to lay before you the inclosed Representation,
and are with all due Regard.

Your Excellency's most obedient Servants,
Robert Jenckins Henry,
B.. Hands.

Kent County April 29.. 1757:

To the honourable Robert Jenckins Henry and Bedingfield
Hands Esquires. Justices of Assize, and nisi prius Oyer and
Terminer, and Goal Delivery for the Body of Kent County
in the Province of Maryland. The Representation of the
Grand Jury for the Body of Kent County in the Province
aforesaid.

Sheweth

That from the Testimony of sundry Witnesses of un-
doubted Credit who have been sworn to us during our present
Meeting, it appears that his Majesty's loyal Subjects the
Inhabitants as well of this County in General as of Chester
Town the Capital of said County in particular, have by two
recruiting Parties of Soldiers, one under the Command of
Lieutenant Robert Sterling of the 48 Regiment, the other
under that of Ensign James Calder of the 44: Regim^t of
his Majesty's Foot-Soldiers during their Residence the last
Winter among us been in many Particulars, and by a great
Variety of means grossly insulted and very much abused.

That those Parties have not stopped at insulting and abus-
ing his Majesty's private Subjects but have extended their
male Treatment to the personal Insult, and Abuse of the
Magistrates themselves while discharging their Duty as such,
and have had the Audacity even to insult and abuse Courts
of Iudicature while sitting pursuant to their Authority to
dispense Justice among his Majesty's Subjects of this County
and punish Offences committed against the Laws of the
whole Community. This Behaviour so very different from
that of the two Companies of the Royal American Regiment
quartered upon Chester Town during last Winter seems to

Lib. J. R. us to have proceeded from the Remissness in those two
 & U. S. recruiting Officers if not to their actual Encouragement to
 their respective Parties to behave in so disorderly Manner.
 From the known Character of the Right Honourable the
 Earl of Loudoun his Majesty's General upon this Continent
 we have the strongest Reason to believe his Lordship cannot
 approve much less encourage such Disorders either in Offi-
 cers or Soldiers upon his Majestys Loyal Subjects, and as
 such Behaviour must naturally tend besides oppressing and
 destroying the Subjects to the alienating the Minds of the
 People from the Soldiery, and thereby to the Hurt and Preju-
 dice of the recruiting Service in particular and his Majesty's
 Service in General.

We humbly presume to lay this our Remonstrance before
 your Honours with a brief Account of the several Kinds of
 Abuses which have been proved before us, at the same time
 humbly requesting that they may be laid before his Excel-
 p. 176 lency our Governor to be by him disposed in such Manner as
 he shall judge most proper for preventing such Abuses, and
 Disorders for the future. The several Kinds of Abuses
 which have been proved before us are as follows.

1: Insultingly giving a Paper or Letter to a person, and
 beating, and abusing him, pretending he was thereby enlisted,
 and insulting all standers by who advised his going to a
 Magistrate

2: By putting Money in a Person's Coat Sleeves, and
 other Abuses, and thereupon claiming such Person to be
 thereby enlisted, and detaining them by Force until dis-
 charged by Magistrates done by Convict Recruits pretending
 to have Power from those Officers to enlist.

3: Pretending to enlist with a Copper Half penny, and
 divers Insults by Convict Recruits presuming to enlist.

4: Abuses in pretending to enlist old infirm Men not able
 to perform any Service, and thereby detaining and abusing
 them until they got smart Money of them.

5: Their Party of Soldiers and Recruits reflecting on
 Magistrates and Courts, and going in a Body armed putting
 the People in Terror, and defying all Civil Officers, and when
 brought into Court by their Officers to answer to an Indict-
 ment found against them their coming in with their Swords
 or Cutlasses, and Pistols with their Thumbs on the Cocks
 thereof, in an insulting manner and upon being informed on
 Behalf of Court that it was improper for them to appear so
 armed on that Occasion, their Officers insisted it was Part
 of their Dress, and they the Soldiers should not be disarmed.

6: That after the Officers were informed of the barbarous

Manner in which their Soldiers had wounded the People in Queen Ann's to wit Solomon Senney, John Senney, and Thomas Bayley they instead of giving them up sent them away that Night whereby they escaped Justice. Lib. J. R.
& U. S.

7: Corporal Bevil after a Writ for an Assault was out against him was delivered to the Sheriff his going with loaded Pistols about the Streets threatning the Sheriff, and presenting his Pistols, at the Sheriff, upon the Sheriffs applying to M^r Calder to deliver up the said Bevil or to advise him to surrender, he answered that he the said Calder had nothing to do with him that he was delivered or turned over to the Royal Americans but that the said Bevil stayed many Days in Town.

8: When Criminal Precepts were out against their Party of Soldiers, and they were demanded of the Officers they answered they would give them up. but in the hearing of, and before the Magistrates they ordered all their Serjeants, Drummers, Corporals, and private Soldiers that none of them should suffer any Civil Officer whatsoever to take them either on Civil or Criminal Precepts but that they should cut them to Pieces if they attempt to take them, unless they the Officers were first applied to, and they gave them up or ordered them to submit,

9: M^r Sterling being applied to, M^r Calder being out of Town to come and suppress the Soldiers firing in the Night time his refusing to come. p. 177

10: Evils complained of to M^r Calder and Sterling by letting their low infamous Convict Recruits in particular Thomas Lester have Money and Copper Half pence to pretend to enlist People and upon their insulting people putting Money in their Cloaths, and of Riots Affrays, and other Abuses arising thereby and ensuing from such Practices, detaining old infirm Men under such Tricks purely to extort smart Money, but they the Officers insisted it was their Duty, and on the Complaint of Thomas Seally to the Court of his being beat and detained in that manner by one John Flinn a Servant to M^r Calder, and upon the Courts hearing the Matter they discharged Seally, and declared that Flinn being neither commissioned or Warrant Officer in the Army he had no Power to enlist Men for the Law had not put such a Trust into his Hands and advised M^r Calder to put it out of those Persons Power to have any Pretence to harrass the People he condemned the Courts Judgment therein, and said he would make them all Officers next Morning and refused their Request, and which said Flinn afterwards made the Assault on M^r Coutts high Sheriff as they this Grand Jury have presented.

Lib. J. R.
& U. S.

11: When Depositions were taking respecting Serjeant Kenigh, M^r Sterling said he understood the People in Town had threatned to break him and M^r Calder, and that was their main Design he valued not their Representations the recruiting Service was not very agreeable to him, but if he was ordered here again to recruit next Winter he would bring with him twenty of the worst Fellows he could pick out in the whole Regiment.

12: M^r Sterling threatning to shoot any Civil Officer that should attempt to arrest him That Serjeant Kenigh threatning Doctor Porter when he only advised Thomas Seally his former Acquaintance to complain to the Court, of the Abuse he the Doctor saw him receive from the Recruits, that he the Serjeant said he would cut off his Ears if ever he meddled or concerned himself again with them or their Affairs:

Jo: Wicks Foreman	Samuel Davis	Jonathan Turner
James Roberts	Richard Willis	Samuel Miller
Benjamin Riccaud	Hezekiah Dunn	William Wilmer
Joseph Rasin	John Maxwell	Jesse Cosdon
Aaron Alford	Nicholas Ridkitts	Gustavus Hanson.

p. 178 Also a Bill of Indictment against John Flinn and others of Kent County Soldiers for an Assault committed by them against Hercules Coutts high Sheriff of the said County and likewise a Copy of an Indictment against William Keiough and others for riotously and tumultuously assembling themselves together at Chester Town in the said County whereby a certain Robert Cushion Mariner, was of their Malice aforethought killed and murdered all which being read, this Board do humbly advise that his Excellency would be pleased to lay them before the Right Honourable the Earl of Loudoun.

His Excellency is pleased to lay before this Board the following Address.

To his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the House of Delegates.

May it please your Excellency

Your Excellency will find by the Report and Depositions herewith sent that some Persons professing the Roman Catholic Religion have taught and one doth still teach School within this County, and as we have Reason to believe there are many such Schools established in the different Counties of this Province, and have not now time to make a full

Inquiry, we request your Excellency would be pleased to direct the Statutes of our Mother Country in Force in this Province guarding against such Offences to be carried into Execution whereby a Stop may be put to an Evil which if not timely prevented may be productive of great Mischief to the good People of this province.

2^d May 1757.

Read and assented to by the Lower House of
Assembly, signed p.. Order.

Henry Hooper Speaker.

By the Committee of Aggrievancies and Courts of Justice
28th April 1757.

Your Committee beg Leave to represent as an Aggrievance that several Persons professing the Romish Religion have taught School in Baltimore County and that one doth still teach School in the said County near the Head of Deer Creek as by the annexed Depositions may appear and humbly report it as their Opinion that the tollerating such Schools in Opposition to the Statutes of our Mother Country must greatly tend to the poisoning the Minds of the Youth of this Province, and alienating their Affections from our present most happy Establishment in Church and State but submit it to the Consideration of the honourable House.

Signed p Order
B.. Nicholson Cl:

The Deposition of Archibald Standiford of Baltimore County taken the 26.. April 1757..

This Deponent being sworn on the holy Evangels of Almighty God saith that Don Connolly kept a School the last year in the said County near my Lady's Manor, and that the said Connolly warranted two or three Persons for schooling their Children, and at the time of trying one of the Warrants against William Crabtree before Justice Boyce, he this Deponent heard the said Don Connolly then say that the said Crabtree would not pay him because he the said Connolly was a papist upon which the said Justice said he would not be concerned with it but desired them to leave the same to be decided by two of their Neighbours and further saith not.

Arch.. Standiford

Sworn to before me the Day and Year above written:
Walter Tolley.

At a Council held at the City of Annapolis, on Saturday the 14.. Day of May, in the seventh Year of his Lordships Dominion Annoque Domini 1757:

Lib. J. R.
& U. S.
p. 180

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker Esq^r Col^o Cha^s Hammond, & Benedict Calvert Esq^r

His Excellency is pleased to lay before this Board the following Letters.

Whitehall 4: February 1757:

S^r

The King having nothing more at Heart than the Preservation of his good Subjects, and Colonies of North America has come to a Resolution of acting with the greatest Vigour in those parts the ensuing Campaign, and all necessary Preparations are making for sending a considerable Reinforcement of Troops, together with a strong squadron of Ships for that Purpose, and in order to act offensively against the French in Canada.

It is his Majesty's Pleasure that you should forthwith call together your Council and Assembly and press them in the strongest manner to raise with the utmost Expedition, as large a Number of Provincial Troops as may be, for the Service of the ensuing Campaign over and above what they shall judge necessary for the immediate Defence of their own province and the Troops so raised do act in such Parts with the Earl of Loudoun or the Commander in Chief of his Majesty's Forces for the time being shall judge most conducive to the Service in General, and the King doubts not but that the several Provinces truly sensible of his paternal Care in sending so large a Force for their Security, will exert their utmost Endeavours to second and strengthen such offensive Operations against the French as the Earl of Loudoun or the Commander in Chief of his Majesty's Forces for the Time being shall judge expedient, and will not clog the Enlistments of the Men or the raising of the Money for their Pay &c.. with such Limitations as have been hitherto found to render their service difficult and ineffectual, and as a farther Encouragement I am to acquaint you that the raising of the Men, their Pay, Arms, and Cloathing will be all, that will be required for this Campaign on the Part of the Several Provinces, Measures having been already taken for laying up Magazines of Stores, and Provisions of all Kinds at the Expence of the Crown. I cannot too strongly recommend it to you to use all your Influence with your Council

Lib. J. R. and Assembly for the punctual and immediate Execution of
& U. S. these his Majesty's Commands. I am likewise to acquaint
you that the Earl of Loudoun is directed to send forthwith
to Virginia a Battalion of regular Forces to be employed, as
the Exigency shall require for the Succour and Defence of
the said Province of Virginia, South Carolina or any other of
the Southern Provinces.

I am Sir

Your most obed^t humble Serv^t,

Governor of Maryland

W.. Pitt.

New York May 5th 1757

p. 181 S^r

As I have received a Copy of a Letter from one of his
Majesty's principal Secretary's of State to you, signifying
his Majesty's Pleasure that you should apply to your Coun-
cil and Assembly in the strongest manner to raise with the
utmost Expedition as large a Number of Provincial Troops
as may be for the Service of the ensuing Campaign over and
above what they shall judge necessary for the immediate
Defence of their own Province. And as I am now preparing
agreeable to his Majesty's Orders to me to leave this Prov-
ince with the Transports in order to join the Fleet, and
Succours from Europe, It's necessary to acquaint you that I
shall leave Major General Webb to command at Albany and
the Forts with a Body of his Majesty's regular Forces to-
gether with the Troops raised by the Northern Colonies, who
will have the principal Command during my Absence. And
that in Consequence of the Plan settled at the Meeting I had
with the Governors of the Southern Provinces at Phila-
delphia, I leave Colonel Stanwix with 5.. Companies of the
first Battalion of the Royal American Regiment to take
Post in the Back Parts of Pensilvania, and to have the Com-
mand of the remaining Part of the Pensilvania Troops, the
Troops raised in Maryland, and the remaining Part of the
Troops raised in Virginia. And that I detach Lieutenant
Colonel Bouquet with the other 5: Companies of that Bat-
talion to South Carolina, who carrys with him two hundred
of the Pensilvania Troops four hundred of the Virginia
Troops, and have ordered two hundred of the Troops raised
by North Carolina to meet him in South Carolina where he
is to take the Command of his Majesty's three independent
Companies, and likewise of the Troops raised by the Province
of South Carolina for the Security of that, and the most
southernly Provinces. And in Order to prevent any Dispute
hereafter, it will be necessary here to remind you, that at
that Meeting it was settled and is agreeable to his Majesty's

Orders from his principal secretary of State that I should supply the Provincial Troops detached from Pensilvania, Virginia, and North Carolina to South Carolina but that the Provincial Troops who remain and are employed for the Defence of their respective Provinces should be entirely supported and maintained by the Provinces by whom they are raised. As the Plan we had settled before the Arrival of his Majesty's Orders by his principal Secretary of State, I hope if punctually and speedily executed on your Part will prevent any immediate Danger, I must recommend it to you in the most earnest Manner that you will immediately in Consequence of his Majesty's Orders signified to you set about raising and getting in Readiness, a considerable Force to be ready to join and support the Troops already agreed upon to be raised for the public Service.

Lib. J. R.
& U. S.

And that you will in the mean time give Orders that the Militia of your province should be properly armed and furnished with Ammunition, and have a standing Order to march to the Aid and Assistance of the Forces already appointed on the Requisition of the Commander of them, and that this Order should be more particularly given and enforced in such Parts of your Province as are most nearly situated to those Forces or the Passes through which the Enemy can enter without waiting for any further Orders from you: From your Zeal for the Public Service I cannot doubt of your complying with this Recommendation, and hope if the necessary Orders are given, and strictly obeyed by them to receive the same Benefit from your Militia that we did lately on the Enemy's Attempt on Fort William Henry from the Militia in the upper parts of this Country. I shall send a Copy of this to Col^o Stanwix, to whom by Philadelphia I desire you will communicate the Orders you give, and to whom, that he may know what Officers of your Militia to call upon on any Emergency, and that you will likewise transmit a Copy to me at New York.

p. 182

I am with great Regard Sir
Your most obed^t hble Serv^t
Loudoun

It is the Opinion and Advice of this Board to his Excellency that as the Assembly is but just prorogued it would not be of any Service to call them together again immediately but that the following Proclamation should issue, and that Letters be sent to the Colonels of Frederick & Baltimore Counties.

Lib. J. R. Maryland ss.
& U. S.

By his Excellency Horatio Sharpe Esq^r
Governor and Commander in Chief in and
over the Province of Maryland.

A Proclamation

Whereas the present Posture of Affairs and the Situation of this Province makes it exceeding expedient and necessary that the Militia thereof should be trained and disciplined I have thought fit with the Advice of his Lordship's Council of State to issue this my Proclamation requiring and commanding all Officers of the Militia within this Province to have the several Regiments Troops or Companies under their respective Commands frequently mustered and exercised once at least in every Month during the summer, and to see that the Men's Arms are kept in good Order and fit for Service, that they may be prepared and ready to defend this part of his Majesty's Dominions, and their own properties, against any Invaders, and I do further direct and enjoin the several military Officers during the time above mentioned, to put in Force, and take Care that the Militia Laws of this Province are strictly executed against such persons as shall neglect their Duty, or disobey the lawful Commands of their respective Officers, and to the End that all persons concerned may have due Notice thereof, I do hereby strictly charge and require the several Sheriffs within this Province to make this my Proclamation public in their respective Counties in the usual Manner, as they will answer the Contrary at their peril: Given at the City of Annapolis the 14th Day of May in the year of his Lordship's Dominion Annoque Domini 1757.

p. 183

S^r

As some Advices which have been received afford Room to suspect that his Majesty's Enemies the French intend to make a Descent from the Westward this Summer on one of these Provinces I must recommend it to you in a particular Manner to have the Militia of your County regularly mustered, and exercised, and to compel such as are unprovided to furnish themselves with Arms, and Ammunition, according to the Directions of the Militia Laws of this Province, In Case you should receive certain Advice of the Approach of a considerable Body of the Enemy towards this Province you are forthwith to assemble the Militia under your Command and march therewith to Fort Frederick unless you shall receive other orders from Col: Stanwix who is appointed to command all the Troops that shall be employed in these Parts for the protection of this and the neighbouring

Colonies, should you receive a Letter or Orders from him Lib. J. R.
& U. S
you are to advise me thereof by Express and to render your-
self without Delay to such Post as he shall order, and either
act in Conjunction with the regular Troops that are under
his Command, or as a seperate Corps according to the Orders
that he might think proper to give you. That you may not
be retarded for want of Provisions on such an Occasion, I
send you inclosed two Warrants which will impower the
Press Masters to furnish you with every thing that you can
stand in Need of. I shall send Col: Stanwix a Copy of these
Instructions, and let him know how to direct a Letter to you
if he should stand in Need of your Assistance

To Colonel I am Sir
Commander in Chief of the Your most humble Servant
Militia of County.

At a Council held at the City of Annapolis on Wednesday
the eighteenth Day of May in the seventh year of his Lord-
ship's Dominion Annoque Domini 1757..

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable, Benjamin Tasker Esq^r Col: Cha^s Ham-
mond, & Col: Benj: Tasker..

His Excellency is pleased to lay before this Board the p. 184
following Petition

To his Excellency Horatio Sharpe Esq^r Governor of Mary-
land.

The humble Petition of Alexander and Andrew Symmer.
Sheweth

That your Petitioners have a Vessel loaded with Wheat,
Flour, and Bread for Dublin, now ready for sailing but is
detained by the Embargo, that the said Vessel was clearing
out in the Office at the Time the Restraint was laid on as
appears from a Certificate from the said Office herewith sent.
Your Petitioners therefore pray your Excellency will be
pleased to grant them Permission to send the said Vessel
away, as the Cargo is in Danger of heating from being so
long on Board.

These may certifie all whom it doth concern, that on the
ninth Day of March last Captain James Hamilton Com-
mander of the Snow Alexander made Application to me for
clearing a Quarter of an Hour before the Embargo was laid
or took Place, which would have been done had I not began

Lib. J. R. the entering of the Sloop Anthony John Anderson Master
& U. S. from New York; and upon my dating Captain Hamilton's
clearing, the Collector came in and put a Stop to my Pro-
ceedings. Given under my Hand this 18th May 1757..
Jn^o Davidson. D.. Coll^r

Upon the Representation of Alexander Symmer and An-
drew Symmer of this Province Merchants setting forth that
James Hamilton Commander of the Snow Alexander was on
the ninth Day of March last loaded with Wheat Flour and
Bread, and ready to sail for Dublin and actually at the Office
clearing when the Embargo was laid, as appears by a Certifi-
cate under the Hand of the Deputy Collector of the Port
of Annapolis, and praying that a Permission may be granted
to the said Master to sail as the Cargo is in Danger of heat-
ing from being so long on Board.

Ordered that the Officers of the Customs of the City of
Annapolis clear out for Dublin the said Snow called the
Alexander James Hamilton Master with such Provisions as
he may have on Board he complying with all the Laws now in
Force in this Province.

At a Council held at the City of Annapolis on Wednesday
the twenty fifth Day of May in the seventh Year of his
Lordship's Dominion, Annoq Dom: 1757:

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker Esq^r Col: Cha^s Ham-
mond, & Col: Benj: Tasker.

His Excellency is pleased to lay before this Board the
following Petition

p. 185 To his Excellency Horatio Sharpe Esq^r Governor, and
Commander in Chief in and over the Province of Maryland.

The humble Petition of Joseph Ensor of Baltimore County
Merchant.

Sheweth.

That your Petitioner is sole Owner of the Schooner Anson
Henry Costin Commander built on Patapsco River in the
Province aforesaid.

That your Petitioner had on Board the said Schooner,
and before the Embargo laid two hundred Barrels of Flour,
eighty Barrels of Bread, and some Corn intended for some
of his Majesty's Plantations in North America.

That your Petitioner being on the Road to the City of Annapolis in order to clear out the said Vessel intended as aforesaid having his full Cargoe on Board met on this Side Patapsco Ferry some Miles a certain M^r Charles Christie who informed him after some Conversation had between them that the Day before there was an Embargo laid upon all Vessels, and that he might as well return back again, which your Petitioner did accordingly. And forasmuch as the Goods on board the said Schooner are likely to perish and rendered not merchantable without being relieved by your Excellency, your Petitioner humbly prays you would order the said Vessel and Cargo may be cleared out to such of his Majesty's plantations as your Petitioner shall seem meet or to the Port of Norfolk in the Colony of Virginia, and he will pray &c:

Lib. J. R.
& U. S.

24 May 1757: Then came Henry Costin Master of the Schooner Anson, before me the Subscriber one of his Lordship's the Right honourable the Lord Proprietary his Justices of the Provincial Court and made Oath on the holy Evangelists of Almighty God, that the Bread, Flour, and Corn mentioned in the above Petition were on board at the Time therein mentioned. Sworn to before Geo.. Steuart

Ordered upon reading the foregoing Petition of Joseph Ensor, that the Officers of the Customs at the City of Annapolis clear out for Norfolk in the Colony of Virginia the Schooner Anson Henry Costin Master he having on Board the said Schooner two hundred Barrels of Flour eighty Barrels of Bread, some Indian Corn and Lumber the said Henry Costin complying with all the Laws now in Force in this province.

At a Council held at the City of Annapolis on Friday the 27th Day of May, in the seventh Year of his Lordship's Dominion Annoque Domini 1757:

Present

His Excellency Horatio Sharpe Esquire Governor.

The honourable Benjamin Tasker Esq^r Col^o Charles Hammond, and Col^o Benjamin Tasker.

His Excellency is pleased to lay before this Board the following Petition—

To his Excellency Horatio Sharpe Esq^r Governor of Maryland. p. 186

The Petition of John Wallace Merchant in Behalf of himself, and the Owners and Freighters of the Snow Chris-

Lib. J. R. tian George Watt Commander loaded with Wheat, and Flour
& U. S. for Liverpoole but detained here by an Embargo.

Sheweth

That the said Snow was chartered her Cargo ordered and every Thing in order to her Voyage so far done before any Account came of the Embargo that there was no going back, yea so far had we proceeded that the Master was in the Custom House in Order to clear when stopped by the order for the Embargo as appears by the annexed Certificate.

The most of the Cargo has been so long aboard that by the coming on of the hot Weather it will certainly heat and spoil, in a little time the Worm will bite here so that the Voyage will be ruined and all concerned in it will be much hurt, and our Mother Country so far deprived of the Supply we intended for them which now they exceedingly want.

Your Petitioners are advised that at Home they have suspended the Navigation Act as to Grain, have prohibited the Exportation of any Grain from the Colonies except to Britain and Ireland and several other Things, by which it evidently appears what great Distress they are in it would therefore seem a little strange that we who want to supply them should be reduced to such Streights here, that even unloading would not prove a Remedy because the Weevil would devour the Wheat in the Warehouse.

The Freighters who are Merchants of Note in Philadelphia have informed us that the Generals late Orders have been understood in the utmost Latitude there, and that every Vessel there in the Circumstances of the Christian has been cleared We hope your Excellency will not allow the Traders here to be in worse Circumstances than there, or the Grain Trade will suffer much to the great Loss of this Province.

May it therefore please your Excellency to order the Snow to be cleared by which you will relieve us that are distressed here, and be the Means of our relieving the distressed at Home, without injuring any Person or Interest public or private unless it be Engrossers of Grain at Home.

And your Petitioners as in Duty bound will pray.

John Wallace

I certifie that George Watt Master of the Snow Christian applied to the Naval Office to clear the said Vessel on the same Day and about half an Hour before that the Office had Notice that the Embargo would be laid but as he then wanted a Clearance from the Collector he was informed that such Clearance was requisite before he could clear at the

Naval Office, and he went out of the Naval Office to get his Clearance from the Collector but did not return. Lib. J. R.
& U. S.

certified by. Tho^s Johnson jun^r D.. Naval Offic^r

These are to certifie all whom it may concern, that on the ninth Day of March last Captain George Watt of the Snow Christian made Application at the Custom House for a Clearance some time before the Embargo was laid, but before I had examined his Papers the Collector came in to the Office, and put a stop to my Proceedings. And these may further certifie that the said Captain Watt would have been cleared before the Collectors Directions to the Contrary had I not been employed in entring another Captain from New York, whose papers I had in Hand first. Given under my Hand at the Custom House in Annapolis this 25.. of May 1757 p. 187

Jn^o Davidson D.. Coll^r

Upon reading the foregoing Petition of John Wallace Merchant on Behalf of himself and the Owners and Freighters of the Snow Christian.

Ordered that the Officers of the Customs at the City of Annapolis clear out for Liverpool in Great Britain the Snow Christian George Watt Commander with such provisions as he may have on Board, he complying with all the Laws now in Force in this province.

At a Council held at the City of Annapolis on Wednesday the first Day of June in the seventh year of his Lordship's Dominion Annoque Domini 1757:

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker Esq^r Col.. Cha^s Hammond and Col: Benjamin Tasker.

Ordered that the following Letter be sent to the several Officers of the Customs within this province.

S^r

The Governor having thought proper by the Advice of the Council to discontinue the Embargo I hereby acquaint you that you are permitted to clear out any Vessel from your District for Great Britain or Ireland the Masters thereof complying with all the Laws now in Force in this Province

I am S^r

Your most obed^t humble Servant

1st June 1757..

J. Ross.

Lib. J. R. At a Council held at the City of Annapolis on the 12th
& U. S. day of June in the seventh year of his Lordships Dominion
Annoque Domini 1757:

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker Esq^r Col: Cha^s Hammond and Col: Benjamin Tasker.

His Excellency is pleased to lay before this Board the following Letters.

Whitehall 2: May 1757..

Sir

p. 188 The Crops of Corn having from the Badness of the Season last Year greatly failed in many Parts of Great Britain and Ireland which makes a Supply thereof very much wanted, for which Reason Orders have been sent to purchase large Quantities in America, and it being apprehended that the Ships loaded therewith may not be able to sail on Account of the Embargo laid in several Parts of America by Lord Loudoun's Desire on all Ships in general, by which means his Majestys Dominions in Europe may be greatly distressed, I am commanded to signify to you the Kings Pleasure that you do immediately upon the Receipt of this Letter cause any Embargo that shall be then subsisting within your Government either in consequence of Lord Loudoun's Application to you; or of any Directions sent you by the Board of Trade to be taken off from all Vessels loaded with Corn or any other Species of Grain for Great Britain and Ireland, and that you do take particular Care that no future Embargo which it may be thought expedient to lay do extend to Vessels so loaded, but on the Contrary you will give all proper Encouragement and Assistance to Persons who shall be employed in the purchasing and shipping Corn for the Supply of his Majesty's Dominions in Europe, taking Care that they do give sufficient security for landing the Cargoes at the Places for which they shall be designed agreeable to an Act of Parliament passed this Session, entitled, An Act to prohibit for a limitted Time, the Exportation of Corn Grain, Meal, Malt &c. which Act has been transmitted to you by the Lords Commissioners for Trade and plantations

I am Sir

Your most obed^t humble Servant

Deputy Governor of Maryland.

Holdernesse.

Whitehall March 7th 1757: Lib. J. R.
& U. S.

Sir

I am directed by the Lords Commissioners for Trade and Plantations to send you the inclosed Act passed in the present Session of Parliament, intituled, An Act to prohibit for a limited Time, the Exportation of Corn, Grain, Meal, Malt, Flour, Bread, Biscuit, Starch, Beef, Pork, Bacon, and other Victual (except Fish, and Roots, and Rice to be exported to any Part of Europe Southward of Cape Finisterre) from his Majesty's Colonies, and Plantations in America, unless to Great Britain or Ireland, or to some of the said Colonies, and Plantations; and to permit the Importation of Corn and Flour into Great Britain and Ireland in neutral Ships, and to allow the Exportation of Wheat, Barley, Oats, Meal, and Flour from Great Britain to the Isle of Man for the use of the Inhabitants there.

I am Sir

Your most obed^t humble Servant

John Pownall

His Excellency acquaints the Board that the Right honourable the Lord Proprietary had appointed Daniel Dulany Esq^r a Member of his Lordship's Council, and that he now attends in order to be qualified

Whereupon the said Daniel Dunlany Esq^r takes the Oaths p. 189
to the Government appointed to be taken by Act of Assembly, and likewise the Oath of a Councillor and subscribes the Abjuration and Test and takes his Place at the Board accordingly:

His Excellency is pleased to lay before this Board the following Letter.

Chester Town May 9th 1757..

May it please your Excellency

We the Subscribers Commanders of the Ships and Sailors lying at Chester Town beg Leave to represent to your Excellency that upon the strictest Enquiry we could ever make concerning the violent Attack on ourselves, Men, and Ships on the second of April last in the Night by the Soldiers and others in firing loaded Musketts at us we never understood that either M^r James Nicholson or M^r Alexander Calder thó unfortunately present as well as several others when the Soldiers fired and we believe had imprudently resolved if the Sailors had come on Shore to have assisted in beating them because some young Men of the Town had been struck by some of the Sailors in the Day Time when the young Men

Lib. J. R. were only endeavouring to make Peace in an Affray that
 & U. S. had happened between the Sailors and Soldiers ever fired a
 Gun at any of us, or had any Guns with them, from which,
 thô the grand Jury on Proof as we suppose of their being
 present and of the Intent with which they might rashly go
 (being hurried away by the Heat of Youth and want of
 Reflection) the Man's Life being lost have included them in
 the Indictment for the Murder, we would willingly believe
 they had no Malice against any of the Sailors more than
 merely what happens commonly in Quarrels but had no
 Design against the Life or Property of any Body, and think
 them truly real and proper Objects of your Excellency's
 Mercy, and humbly beg as they are young Men of Family
 and Credit, and we don't understand were ever before a
 Court or accused of any Misbehaviour before, and as what
 has already happened will be a sufficient Warning to all
 Youths of this Place not to think rashly of taking Satisfac-
 tion at their own Hands for any Affronts but to take a proper
 Recompense under the Directions of the Laws, and that the
 Peace of the Community will be sufficiently secured thereby
 that your Excellency would be pleased to extend your gracious
 Pardon towards them to the Relief of themselves and their
 Parents, as we entirely forgive them for any Countenance
 they might be thought to give the Persons who so much
 injured us, and look on it only as proceeding from Heat of
 Youth and Indiscretion, and not from a criminal Intention
 to take our Lives away And for your Excellency's Favour on
 this Application, we as in Duty bound shall ever pray &c:

John Hearing
 John Cole
 Mich: Andrew
 James Hamilton.

Ordered by the Advice of this Board that Pardons be
 made out for James Nicholson and Alexander Calder which
 issued accordingly.

The following Letters and Indians Speech, are by his Ex-
 cellency laid before this Board.

Carlisle July 4.. 1757..

p. 190 Sir

Agreeable to my Instructions from M^r Atkins I imme-
 diately upon receiving your Orders sent a Party of the
 Cherokees to scour the Woods about Ray's Town, and I
 think it my Duty not only as it is agreeable to my Instructions
 from M^r Atkins but as the Good of his Majesty's Service
 depends on it to acquaint you of the Disposition and Temper
 of this party of Indians which came with me to this Govern-

ment, and as your Honor may be the better judge of it have Lib. J. R.
inclosed you a Copy of a Speech of theirs made at Fort Lou- & U. S.
doun the 1st of this Instant and give you my opinion. These
People say that one Part of their People had been with
the French, and that they were returned with very large
Presents and great Promises, upon finding that Number of
their People inclined to join the French they determined to
come and see their Brothers the English as they have always
had a Regard for them in hopes that their Brothers would
treat them in such a manner that upon their going Home
they should be able to shew their People that it was their
Interest to let their Nation see that their Brothers were not
that bad People which those in the French Interest had
represented them. At their coming from their Towns, they
told them the Virginians would deceive them and not per-
form their promises, they say they are sorry to find what
they were told before they came from Home should turn out
to be true that they do not value the Presents but should
they go Home after being so long in the Service of the Eng-
lish, and have nothing to shew for their Services that they
will be made a Mock of, and give the Party in the French
Interest an Opportunity of persuading their People to join
the French which a contrary Behaviour on the Side of the
English would prevent.

Sir it is my Opinion if this Party goes away displeased,
it will be the Means of engaging us in a War with them
which will draw on a War with the Creeks also, as they are
intirely influenced by them, and the Consequence must be
dreadful to the English Colonies in General. When on the
other Hand should they go off in good Temper, I am of
Opinion that they will be able to bring over the over Hills
People, and Creeks to the Side of the English. I was glad
to see the good Understanding between the six Nations and
these People, as appears by the Speeches made by the Mohock
Sachem to them and their Answers, and they have agreed
with the six Nations to meet upon these Frontiers in the
Spring in great Numbers if they are now well treated in
Order to carry on the War against the French.

Sir I make Bold to recommend to you the sending home
these People in good Temper as their future Conduct will
be regulated by it, and by my Instructions I am ordered to
call upon you and M^r Croghan for such Rewards for these
People as I shall think necessary:

I am your Honors.

Most obedient humble Servant

To his Excellency Horatio Sharpe Esq^r Rich^d Smith.
Governor of Maryland.

Lib. J. R.
& U. S.

Sir

Carlisle July 4.. 1757..

p. 191

I herewith transmit you a Copy of a Speech made by the
Cherokees at Fort Loudoun in this Province, likewise a Copy
of a Letter given me this Day by M^r Smith the Interpreter
and Conductor of this Party with his Opinion upon their
Speech and Treatment they met with in the Government of
Virginia. By their Speech you will see that they threaten
us with the Consequences of their going Home dissatisfied,
and that they blame the Government of Virginia with a
Breach of Faith, you will see that the Interpreters Opinion
is, should they go Home dissatisfied that in all Probability it
would engage us in a War not only with their Nation but
from the great Influence they have over the other Southern
Nations (especially the Creeks a very numerous and war-
like Nation) with all the others. I make no Doubt Sir, upon
your perusing these Papers, and considering the dreadful
Consequences that will attend a War with these numerous
Nations when but a Handful in Comparison to these have
laid Waste whole Counties massareing and carrying into
Captivity some Thousands of the Inhabitants, but you will
be of Opinion as well as myself that these should go Home
well satisfied, more especially as they have killed and capti-
vated a Number of the Enemy, and a Party of them are now
scouting on the Frontiers of this and your Province. Sir it
is my Opinion, and I recommend it strongly to you to con-
tribute towards a Present to be sent to Fort Loudoun in this
Government, and I have ordered Geo: Croghan Esq^r S^r
William Johnson's Deputy to proceed immediately to Phila-
delphia to see the Present got ready and sent to Fort Lou-
doun with the greatest Dispatch that it may reach there in
time, and whatever Sum you give I recommend it to you to
impower M^r Croghan, who will be at Philadelphia providing
the Present to be given by this Government to purchase the
Present that it may consist of well sorted and proper Goods
for this Purpose, and please to forward your Orders to him
immediately upon Receipt of this by Express, as Delays are
dangerous: I am

Sir

Your most obed^t hble Servant

To the honourable Horatio Sharpe Esq^r John Stanwix
Governor of Maryland.

Fort Loudoun July 1: 1757..

The Indians after agreeing to stay here some time and
scour the Woods desired to know how many Days they might
expect a Present from these Governments as they had been
deceived by the Government of Virginia they were determined

to be upon a certain Footing they complained heavily of the Treatment they had received in Virginia saying they were promised two Pieces of Stroud for each Scalp, notwithstanding this they have not received one Stroud Matchcoat in all the Presents given by that Government from M^r Atkins, and that they had been six Months out from Home venturing their Lives in Behalf of their Brothers the English, and that they were ashamed to go Home with such Presents as they had received, as their own People would laugh at them, and they did not know should they set off in the Temper they were in whether the evil Spirit might not tempt them to strike their Brothers in Revenge of the bad Treatment they had received, and said, Let our Brothers put their Goods out upon the Frontiers, and see if they would defend them from their Enemy, but they add they would wait here some time, and scour the Woods, and see how their Brothers in these Governments would treat them before they would determine in what manner to act for the future

Lib. J. R.
& U. S.

A true Copy of the Indians Speech at
Fort Loudoun

Rich^d Smith

The Governor having submitted the preceeding Letter from Col^o Stanwix to himself, a Copy of M^r Smith's Letter to the Colonel and the Indians' Speech the Council thereupon give it as their Opinion and Advice that as a Present had been lately made to the Cherokees by this province and as a Reward of two hundred Pounds had been likewise given them for four Scalps, and the Governor not having the Disposal of any publick Money for Services of this Kind, nor is there any sum granted for Indian Affairs in General he cannot comply with Col^o Stanwix Request in making the Indians any immediate present. p. 192

It is the opinion of this Board, and his Excellency is pleased to order accordingly that a proclamation issue appointing a Fast to be held on Friday the twelfth Day of August next.

By his Excellency Horatio Sharpe Esq^r Governor and Comander in Chief in and over the province of Maryland.

A Proclamation

Whereas our Almighty Creator in Order to awaken in us his sinful Creatures, a due Sense of our Relation to and Dependance upon him does often from his tender Mercy, towards us give Warning of his Displeasure at our manifold

Lib. J. R. Sins and Wickedness that by a true Repentance and Ref-
 & U. S. ormation of our Manners, and a close and strict Obedience
 to his Laws and Observance of his holy Will for the future
 we may avoid that Vengeance and disarm that Justice too
 strictly due to the Number and Weight of our Offences, And
 Whereas such a Duty seems at present to be required of us,
 as our Mother Country is involved in a calamitous War and
 we are now in Danger of losing both our Religion and Liber-
 ties by the Attacks of a perfidious, merciless and savage
 Enemy.

I have therefore thought fit with the Advice of his Lord-
 ships Council of State to appoint Friday the seventh Day of
 August next to be set apart and observed throughout this
 Province, as a Day for a General and public Fast Humilia-
 tion and Prayer to the Divine Majesty to avert those Judg-
 ments we from our Offences against him have most justly
 deserved to continue his Mercies, to perpetuate the Enjoy-
 ment of our Religion and Liberties amongst us, to secure the
 Happiness and Prosperity of our most gracious Sovereign,
 our Mother Country, and all her Colonies, and to implore
 the almighty Protection and Blessings upon the Fleets and
 Armies employed in her and our Service especially those in
 the Expedition under his Excellency the Earl of Loudoun,
 and I do hereby recommend to the several Ministers of the
 Gospel within this Province to compose Prayers and Ser-
 mons adapted to the Occasion to be used on that Day in their
 respective Churches, and that they publish this my Procla-
 mation to their several Congregations immediately after
 Divine Service on the Sunday next preceeding that Day.
 And I do hereby strictly charge and require the several
 Sheriffs of this Province to make this my Proclamation
 public in their respective Counties in the usual manner as
 they will answer the Contrary at their Peril: Given at the
 City of Annapolis the twelfth Day of June in the seventh
 year of his Lordships Dominion Annoq Domini 1757:

p. 193

At a Council held at the City of Annapolis on Saturday
 the eighteenth Day of June in the seventh year of his Lord-
 ships Dominion, Annoque Domini 1757—

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable Benjamin Tasker Esq^r Col: Charles Ham-
 mond and Col: Benjⁿ Tasker.

His Excellency is pleased to lay before this Board the
 following Letters.

Fort Cumberland June 10th 1757

Lib. J. R.
& U. S.

Sir

Yesterday a Party of our Indians who had been out with Lieutenant Baker returned to this Fort and brought with them five Scalps and a Prisoner which they got within a Days March of Fort du Quesne on the East Side the Monongahela, the Enemy's Party consisted of three Officers and seven private Men (they had separated from forty Indians the Day before) two of the Officers and three Men was killed in the Engagement, the other Officer is here a Prisoner, we lost the Indian Chief whose Name is the Swallow he was killed in the Engagement and his son is wounded and now here under Doctor Mern's Care who thinks he will recover, all I can collect from the prisoners is, that there is about three hundred Men at Fort du Quesne, Regulars and Militia, and expect daily a Reinforcement of the same Number, but he knows nothing of an Expedition, I have inclosed your Excellency a Copy of his orders, the other Officers Orders are so stained with Blood, that it is impossible to make out what they are

I am your Excellency's most obedient and
very humble Servant
Jn^o Dagworthy

Fort Cumberland June 14.. 1757:

Sir:

Six Cherokee Indians who just now came from Fort Du Quesne say that six Days ago they saw a large Body of Troops march from that Garrison with a Number of Wagons and a Train of Artillery, and by their Rout must intend an Attack upon this Garrison

P.. S.. Two Days afterwards I am
these Indians saw the Your most humble, and most
Army on their March on the obedient Servant
Side of the Place where Braddock Jn^o Dagworthy.
was defeated

Fort Cumberland June 14.. 1757.

Sir

I am desired by Captain Dagworthy to acquaint you that there is a great Body of the Enemy on their Way to these Frontiers. where they intend is not certain, the Intelligence comes from Captain Spotswood's Party, that arrived here about three of the Clock this Afternoon, says Captain Spotswood left them about ten Days ago, these six separated themselves from the Rest and went to Fort du Quesne, where they stayed some Days and saw the Preparation making for

Lib. J. R. the March but wanting Provisions was forced to come off to
 & U. S. some Distance to fire their Guns as there was none to be got
 by their Arrows they heard a great Gun fired near where
 the Battle of Monongahela was fought, which they had
 cross'd the tenth Instant and desire all their Brothers to
 come as soon as possible to their Assistance Lieutenant
 Baker march'd this Day at eleven o'Clock with all the In-
 dians only two left with the Swallows Son which I am afraid
 will die, I've wrote to M^r Baker to detain them at Pearalls
 while they hear from you but am afraid it will not be in his
 Power, as they are fully bent to see the great Man that is
 come from King George and expect presents they staid but
 four Hours after the Letter was explained to them Captain
 Dagworthy would have wrote to you but being busy in
 Writing to Colonel Stanwix and their Governor had no time,
 you will excuse my Hurry as we are in great Perplexity at
 present, I am

Your humble Servant

Ja^s Livingston

P.. S.. Since my Writing they have made us sensible that
 they were on their March with a Number of Wheel Car-
 rigges, and Men innumerable, and had marched two Days
 before they quit the Monongahela Waters, they further say
 they saw them cross the said River, and Guns greater than
 any at this Fort you'l observe this is Indian News which I
 really believe to be true no white Man came in yet and
 further say they found a Stocking belonging to the white
 Men which causes Suspicion here the whole is cut off,
 Keeniffitkee is not come in with five Men which is expected
 hourly, Captain Dagworthy desires you will send an Express
 to Colonel Stanwix and Governor Sharpe in Case the Ex-
 press may be taken he has sent, further the six that came in
 three of them is wounded and one of them was killed being
 seven in Number when they separated from Captain Spots-
 wood by a Party of French Indians near the Bear Camp they
 stayed 'till dark and went back for their Baggage and came
 in four Days from the French Fort they are momentarily
 giving fresh Intelligence therefore must conclude with this
 confused Paragraph a safe Deliverance never was in greater
 Jeopardy, no Men no Provisions &c.. this is the Cry of this
 Garrison, this is the second Express this Man has been sent,
 and no Pay for it (viz^t) when Trent came in and the Ca-
 tawba Indian the next Colonel I believe may be from Mon-
 treal for never such a Set collected as we have to defend a
 Garrison for my part I am easy if Indians, I must fight, but
 if French as long as we can but I am afraid the great Guns
 wont be loaded by us a second time.

J.. L:

Fort Loudoun June 16.. 1757..

Lib. J. R.
& U. S.

Sir

This moment the inclosed Letters came to my Hands, I have not, lost a Moments time in transmitting them to you as I look upon the Intelligence to be of the greatest Importance if the Enemy is coming down in such Numbers, and with such a Train of Artillery as we are bid to expect Fort Cumberland must inevitably fall into their Hands as no Efforts can be timely made to save it. p. 195

I send you Sir a Copy of a Council of War held at this Place, and I intend to pursue the Resolutions therein contained 'till I receive Orders how to act it is morally certain that the next Object which the French have in View is Fort Loudoun and that is yet in very untenable Posture they have no Roads for Carriages into any other Province but through this Place, and there lies here a Quantity of Stores belonging to his Majesty and this Colony very much exposed and unguarded.

I shall not take up your Time Sir with sending a tedious Detail of the Fort, I have dispatched one Express to Governor Dinwiddie, and another to Colonel

I am

Your Excellency's most obed^t humble Servant
Geo: Washington

At a Council held at the City of Annapolis on Monday the 27.. Day of June in the seventh year of his Lordships' Dominion Annoq Dom.. 1757..

Present

His Excellency Horatio Sharpe Esq^r Governor

Ordered that the following Letter be sent to the several Officers of the Customs within this province

Sir

Having received Advice that the Embargo was to be this Day taken off in the port of Philadelphia, I hereby signify to you that it is taken off in all the ports of this Province also, you are therefore no longer to pay any Regard to the Order contained in my Letter of the ninth of March nor refuse to clear out any Vessel whatever on Account of that Letter.

I am

Annapolis 27: June 1757.

Sir

Your most humble Servant
Hor^o Sharpe—

Lib. J. R. At a Council held at the City of Annapolis on Saturday
& U. S. the 30th Day of July in the seventh year of his Lordships
p. 196 Dominion Annoque Domini 1757:

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r } Col: Benjamin Tasker
honourable { Col: Charles Hammond } Daniel Dulany Esq^r

His Excellency is pleased to lay before this Board the following Petition.

To his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland &c.

The Petition of the Subscribers hereunto humbly sheweth
May it please your Excellency,

Whereas Conrod Refieur last March Court held in and for the County of Cecil was indicted and convicted of stealing a Calf the Property of Benjamin M^cVee, and whereas also it has since been clearly made appear unto us by several Persons of undoubted Credit that the aforesaid Conrod Refieur did not steal the said Calf but that it was in fact stole by five soldiers belonging to Captain Stanton then quartered at Charles Town and that he the said Captain Stanton offered to pay him the said Benjamin M^cVee the Value of said Calf, and thereupon called and held a Court Martial for two Days at Charles Town to have said Soldiers punished according their Demerits, notwithstanding the said Benjamin M^cVee (altho' he had proper Notice) would not appear, unless Captain Stanton would give him four Times the Value of the Calf.

The Premises considered (and altho' that whereas the said Conrod Refieur hath resided in Charles Town upwards of ten Years, and hath always been reputed, an industrious honest Man) we therefore humbly supplicate your Excellency to grant him the said Conrod Refieur a Pardon in such Manner as to your Excellency may seem most expedient and your Excellency's Petitioners shall ever pray.

John Veazey	Geo.. Catto	Elihu Hall.
Nich ^o Hyland	W ^m Thornton	B.. Moody
Nath.. Baker	P.. Baynartt	James Baxter.

Upon reading the above Petition it is the Advice of this Board that his Excellency be pleased to order a pardon to be made out for the said Conrod Refieur which issued accordingly

Ordered by the Advice of this Board that the following
Proclamation issue

Lib. J. R.
& U. S.

Maryland ss. By his Excellency Horatio Sharpe Esq^r
Governor and Commander in Chief in and
over the Province of Maryland

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to the foweth Tuesday in August next ^{p. 197} being the twenty third of the same Month, And Whereas there is no Business of moment which requires their Attendance at that Time, I have therefore thought fit with the Advice of his Lordship's Council of State further to prorogue the same, and I do hereby further prorogue the same to Friday the 30th Day of September next, and to the End that all Persons concerned may have due Notice thereof, I do hereby strictly charge and require the Sheriff of the City of Annapolis to make this my Proclamation public in the said City in the usual manner, as he will answer the Contrary at his Peril: Given at the City of Annapolis this 30 Day of July in the seventh year of his Lordship's Dominion Annoq Domini 1757:

J Ross Cl: Conc:

At a Council held at the City of Annapolis on Wednesday 17th of August, in the seventh Year of his Lordships Dominion, Annoque Domini 1757..

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r } Col^o Benjamin Tasker
honourable { Col^o Charles Hammond } Benedict Calvert Esq^r

His Excellency is pleased to lay before this Board the following Letters.

Sir

I received by Express the inclosed Copies of Letters one from General Webbs and Delancy and another from Captain Christie Adjutant and Deputy quarter Master General, which were inclosed by M^r Kennedy President of the Council of New York who in the Absence of the Lieutenant Governor transacts the public Business their Contents are very important if the Enemy be as numerous as is there mentioned, it must arise from a Reinforcement by the Brest Squadron, if they gain the Possession of Fort William Henry General

Lib. J. R. Webb will not I am afraid be able to stop their Progress
& U. S. surely the Colonies will now exert themselves, and lose no
Time to raise all the Forces they can. I am

Sir

Your most obedient humble Serv^t

Please to forward the Intelligence William Denny.
to Governor Dinwiddie
Governor Sharpe—

New York 6.. Aug^t 1757..

Sir

Lieutenant Governor Delancey embarked Yesterday for Albany and we just now received by Express from thence the two several Letters directed to him of which we send you inclosed Copies and remain Sir

Your most obedient Servant

Arch^d Kennedy.

Copy examined by Richard Peters Secretary:
Governor Denny:

Albany 4th Aug^t 12 o'Clock in the Afternoon

Sir

p. 198 This Moment I have received an Express from General Webb informing a large Body of the Enemy to the Amount of 1100 have landed, and invested Fort William Henry that for Want of Men is in no Condition to relieve it having previously sent all he had to a few left with him at Fort Edward desires further for me to write to all the Governors, Colonels of Militia &c. as the Fate of this Province depends upon it I have now sent Expresses to the Northern Governors which I understand is what he means if you think otherwise I beg you'll write to the southern also as well as to the Northern Governors again to enforce upon them raising all the Men they can.

I am

Your most obedient Servant

G.. Christie Captain in the 48th Reg^t & A.. D.. 2 M G.

A true Copy examined by

John Goodby.

Copy examined by Richard Peters Secretary

To James Delancey Esq^r Lieutenant Governor of the province of New York.

F E August 3^d 12.. Night

Sir

I am directed by General Webb to acquaint you that this Morning F. W. H. was invested and a large Number of

Boats landed with Troops and Artillery on the West Side of the Lake not far but in plain Sight from the Fort, the Communication is quite cut off between us, and a small Scout was sent out from this Place has just brought in a french Prisoner Lieutenant of the Canadians who informs us that their whole Force consists of 4000 Habitants, 4500, Indians and the rest Regulars with thirty six Pieces of Cannon and at least five Mortars, that there has been a continual Fire of Cannon and small Arms from Day Break 'till almost Sun set when it ceased, and we are at a Loss to know what has been the Issue of it, as our Force there did not exceed above two and twenty Hundred, we have some Fears it cannot have turned out in our Favour, we are here in no Condition to assist them having but about fifteen hundred Men in the Whole, all our Posts upon this River are called in, the Militia are very slow not having been joined by any of them yet. I should imagine your Presence and Authority might be of Service, the General begs you will let us have all the Reinforcement you possibly can as the Fate of this Colony depends upon it, and that you will write a Line to the other Governors to acquaint them herewith. I am S^r

Lib. J. R.
& U. S.

with great Respect

Your most obed^t humble Servant

Excuse the Hurry I write in G. Bartman Aid de Camp.

A true Copy examined by John Goodby

Copy examined by Rich^d Peters. Secretary.

Lieu^t Governor Delancy.

Philadelphia 13.. Aug^t 1757..

Sir

I this Moment received by Express the inclosed Letters informing me of the Surrender of Fort William Henry on the Morning of the eighth Instant and the Attack of Fort Edward on the ninth Instant in the Evening, I know no other Particulars than are in those Letters. p. 199

I am S^r

Your most obed^t humble Servant

Governor Sharpe.

William Denny

New York 12.. Aug^t 1757:

Sir

We send you inclosed a Copy of a Letter we this Moment received by Express from the Lieutenant Governor by which you will perceive how distressed we are on our Frontiers, and desire your Honor will immediately send us what Assistance you can from your Government as the Fate of this

Lib. J. R. Province depends on a timely Assistance sent to the City of
& U. S. Albany.

We are your most obedient humble Servants.

By Order of the Council

To the Council
of New York

Arch^d Kennedy.

Albany 10.. Aug^t 1757 6.. o'Clock in the Morning.

Gentlemen

I just now received a Letter by Express from General Webb dated 9.. at Fort Edward acquainting me that the Firing at Fort William Henry ceased Yesterday Morning at 6 o' the Clock which made him apprehend the Fort had capitulated and in the Postscript of his Letter he tells me he was that Instant informed the Fort surrendred at seven this Loss renders it absolutely necessary to have an additional Strength to preserve this Place and the rest of the Country, you are therefore to forward the Militia hither with the utmost Expedition, according to my orders of Yesterday I think it necessary all the French Prisoners and Neutrals should be secured in the several Goals, and a Company of Militia to do Duty over them to prevent any Disturbance. I wrote from the several Governments from Jersey to New Hampshire inclusive for Assistance Fort Edward was attacked last Night as I am just now informed by Express, you will order one Half of the Militia of Suffolk to march and be posted in the Towns of Queen Ann's County nearest New York, you may be assured I am hurried if any thing further occurs, you shall hear from me, I am

Your humble Servant

James Delancy

Forward the inclosed to Gov^r Belcher.

Impress Vessels, and Provisions for the Contractors.

a true Copy John Goodby.

p. 200 It is the advice of this Board to his Excellency that in Case Colonel Stanwix shall have marched his Forces from Carlisle, and any Alarm should be given by the Enemy to the Westward, that he be pleased to direct the Colonels of Frederick, Prince Georges, Baltimore Ann Arundel, and Kent Counties to call together one Half of the Militia of their said Counties who should be ready to march at such time, and to such Place, as he shall judge necessary and the Colonels of the said Counties are desired to make Enquiry what Arms can be procured in Case of any Emergency of this Kind.

Ordered by the Advice of this Board that the following
Proclamation issue

Lib. J. R.
& U. S.

Maryland ss. By his Excellency Horatio Sharpe Esq^r
Governor and Commander in Chief in and
over the Province of Maryland.

A Proclamation

Whereas I have Reason to think that many Deserters from his Majesty's Regiments of Foot in America as well as from the Troops that are supported by the several Colonies are harboured and concealed in this Province, I have with the Advice of his Lordship's Council of State thought fit to issue this Proclamation hereby strictly charging all Officers both Civil and Military within this Province from time to time to make strict Enquiry for such Deserters and to cause them to be apprehended and committed to the Goal of the County where they shall be so apprehended, and to give Notice thereof to me, or to the commanding Officers of the Regiments or Companies to which such Deserters belong and all his Majesty's Subjects are hereby forbid to harbour or entertain any Person or Persons whom they shall know or suspect to be Deserters from his Majesty's Service, under the Pains and Penalties inflicted by an Act of Parliament passed in the 29. year of his Majesty's Reign, and by an Act of Assembly that was made at a Session of Assembly held at Baltimore Town in Baltimore County on the eighth Day of April last. If any of the Men that have deserted from the Maryland Forces, will return to their respective Companies, or deliver themselves up to any of his Lordship's Justices of the Peace before the 25: Day of September next, I hereby promise them a full and free Pardon but any Deserters that shall be apprehended after that Time will be punished with the utmost Severity. Given at the City of Annapolis this 17th Day of August, in the seventh year of his Lordships Dominion Annoque Domini 1757: J Ross Cl: Con:

Ordered with the Advice of this Board that the following Proclamation issue to dissolve the Assembly, and that Writs of Election issue to call a new Assembly, returnable to the 28 of September next.

Maryland ss.. By his Excellency Horatio Sharpe Esq^r
Governor, and Commander in Chief in and
over the Province of Maryland.

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to Friday the 30th Day of September next,

Lib. J. R. And Whereas it is thought necessary and convenient that the
& U. S. said Assembly should be dissolved, I do therefore with the
p. 201 Advice of his Lordships Council of State dissolve the same,
And to the Intent that all persons concerned may have due
Notice thereof I do hereby strictly charge, and require the
several Sheriffs of this Province to make this my Proclama-
tion public in their respective Counties, in the usual Manner
as they will answer the Contrary at their Peril: Given at
the City of Annapolis this 17th Day of August 1757:
J.. Ross Cl. Conc.

At a Council held at the City of Annapolis on Monday
the 22^d of August in the seventh Year of his Lordships Do-
minion, Annoque Domini 1757..

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker Esq^r and Colonel
Charles Hammond.

His Excellency is pleased to lay before this Board the
following Letters.

Whitehall 19: February 1757.

Sir

Having in my Letter of the 4th Instant informed you that
it was the King's Intention to send a strong Squadron of
Ships of War to North America I am now to acquaint you
that his Majesty has been pleased to appoint Rear Admiral
Holbourne to command the said Squadron, and it is the
King's Pleasure that in Case any Naval Assistance shall be
wanted for the Protection of your Government you should
apply for the same to the said Rear Admiral or to the Com-
mander in Chief for the Time being of his Majesty's Ships
in those Seas who will send you such Assistance as he may
be able to do, consistently with the Service with which he is
charged by his Majesty's Instructions, and you will regularly
communicate to the said Commander all such Intelligence, as
shall come to your Knowledge concerning the Arrival of any
Ships of War or Vessels having Warlike Stores on Board,
and likewise all such Advices, as may concern their Motions,
and Destination, or may in any Manner relate to that Part
of his Majesty's Service with which the Commanders of the
King's Ships should be acquainted, and for the better Exe-
cution of the Orders sent you in this Letter, you will be dili-
gent in employing proper Persons and Vessels, not only to
procure you the earliest Intelligence, but likewise to be dis-

patched from time to time to the said Commander of his Majesty's Ships, with such Accounts, as you shall have occasion to communicate to him. It is also his Majesty's further Pleasure, that you should use all legal Methods, whenever the Commander in Chief of his Majesty's Ships shall apply to you to raise such a Number of Seamen from time to time, as shall be wanted to recruit the Ships in North America

Lib. J. R.
& U. S.

I am
Gvernor of Maryland. Sir

your most obedient
humble Servant
W.. Pitt

Newark in Halifax Harbour 10: July 1757.

Sir

I herewith enclose a Letter from one of his Majesty's principal Secretarys of State for your Honor. I beg Leave to acquaint your Honor that I am come here with a Squadron of his Majesty's Ships to protect the Colonies and Trade of his Majestys Subjects, and I shall be glad you will acquaint me whenever I can be of Service, and that you will likewise communicate to me any Intelligence you may get of the Enemys Motions from Time to Time. It being of the greatest Consequence that the Squadron under my Command in these Seas should be kept in a proper Condition in Regard to being manned, so as always to enable them to meet the Enemy, who are very strong at present here I must pray your Assistance in procuring Men for the Ships which are very deficient occasioned by Sickness, and if not completed may be of the greatest Prejudice to the whole Nation, I shall not doubt of your Assistance in this, as I have his Majesty's Directions for applying to you, and if Men can be supplied for the Fleet without impressing, you may be assured the Vessels of your Government shall pass unmolested, only in case any Vessel is found carrying off Seamen belonging to the Men of War or Transports (clandestinely) as I my self know they have frequently done, the Consequences will be greatly to their Prejudice, and they must submit to what will follow: I must pray your enforcing this in the strongest Manner, and am

Sir

Your most obedient humble Servant

Fra: Holburne.

To

The Deputy Governor of his Majesty's
Province of Maryland, in America.

Lib. J. R. At a Council held at the City of Annapolis on Tuesday
& U. S. the first of November in the seventh Year of his Lordships
dominion Annoq Domini 1757.

Present

His Excellency Horatio Sharpe Esq^r Governor
The { Benjamin Tasker Esq^r } Col Benjamin Tasker
honourable { Col Charles Hammond } Benedict Calvert Esq^r
{ Sam^l Chamberlain } Col Rob^t Jenckins Henry.
{ Esq^r }

Ordered that the Clerk of this Board draw an Order on the honourable Col: Edward Lloyd Treasurer of the Eastern Shore payable to M^r Henry Walls or Order for twenty five pounds sterling, being his yearly Salary as Armourer of this Province, ending the 29th of September last to be paid out of the Duty of 3^d p. Hhd for Arms &c.

p. 203 His Excellency is pleased to lay before this Board the following Letter.

30th June 1757.

I find several of our Colonies are become fond of giving large Rewards for Scalps; if those Rewards were confined to their own People it would be a very laudable Thing, in as much as it would be the Means of animating many poor white Men who have been used to the Woods to go in Quest of the Enemy Indians, and it would afford that Support to some of them in particular who have been driven from their own Habitations in the back Settlements by the War which they are certainly the best intitled to; but as those Rewards are intended and offered chiefly to the Indians the Case is very different, for besides that this is truly and literally interfering (which I have Reason to believe the several Governors have been cautioned not to do) with the Management of the Things two Super Intendants thrô whose Hands all Presents and Rewards whatever to the Indians in his Alliance ought to pass, it encouraging to the utmost private scalping whereby the most innocent and helpless Persons, even Women and Children are properly murdered without the least Benefit accruing by it, Actions becoming only the greatest Savages, and unworthy of any Christian People to reward. I am well assured Lord Loudoun detests that Practice, and that the French General Moncalm in Canada does the same, Sir William Johnson gives no Reward at all in particular for Scalps by Name, the Warriors fitted out by him to War deliver to him at their Return all that they bring back, and he afterwards presents them to the Relations of such as lose their

Lives in Battle; but to speak upon this Subject on the Footing of Interest, Large Public Rewards for Scalps given by provincial Laws to Indians are attended with very pernicious Consequences to his Majesty's Service, for they are so many Temptations to some Indians to kill others that are our Friends, that is when they think they have a good Opportunity to kill such single Indians that are found alone, two fresh Instances of this have presented themselves to me. A single Chicasaw one of our best Friends who was coming up this Way with the Cherokees was killed by them when asleep, and a single Creek in their Company had like to have shared the same Fate, as no Cause of Quarrel is pretended, the Motive could only be their Scalps, Those Cherokees carried the Chicasaws Scalp with them out to War towards Fort du Quesne, and brought it back again, and it is now hanging exposed in Public before my Eyes, made into two Scalps, among the Scalps of their Enemies tho' they know not that I know it.

Lib. J. R.
& U. S.

The Wife of the Chicasaw who made her Escape was sent by Water from Williamsburg to Charles Town to be kept there 'till my Arrival in Order to prevent the ill Consequences of the Revenge she was bent upon exciting, not only among the Chickasaws but among their Friends the Catawbias, and I detain the Creek in this Country by Art to prevent the like ill Consequences of the Revenge he might excite in the Creek Nation

From so light a Foundation, a War might be kindled between four Nations of Indians, at present in Friendship with us, which it is our greatest Interest also to preserve in Friendship with each other. A Meherrin Indian, a very clever Fellow who lives at the Tuskerora Town in North Carolina is now here, I have discovered that the Cherokees have fixed their Eyes on him and determined to kill him for his Scalp, so that I am obliged to take Measures to have him guarded safe Home. Should he be killed there would be another national Quarrel with the Tuskeroras. I think what I have said sufficiently proves the pernicious Consequences to his Majestys Service (wherein the general Interest of the Colonies is included) following from large Rewards for Scalps given by provincial Laws to the Indians. And those Rewards open a Door to great Fraud and Imposition upon the Colonies or the Donors themselves, for the Cherokees in particular have got the Art of making four Scalps out of one Man killed, here are now twenty Scalps hanging out to public View which are well known to have been made out of five French men killed, what a Sum at £50—each would they produce if carried to Maryland where the Artifice probably

p. 204

Lib. J. R. would not be discovered. for these Reasons I have declared to
& U. S. the Indians I have met here, that I do not buy Scalps, they
may keep them, according to their own Custom as Marks
of Honour, and that I purpose always to reward those I
employ in Proportion to their Services (whereof I am to be
the Judge) without Regard to the Number of Scalps, for
that many an Indian may deserve a Reward without killing
an Enemy, or if he does kill any he may not be able to pro-
duce the Scalps which is often the Case, the principal Chero-
kee Warrior now in these Parts said this was right, it was the
best Way of acting, he was much pleased with it.

At a Council held at the City of Annapolis on Saturday
the twenty fourth Day of December in the seventh Year of
his Lordship's Dominion Anno Domini 1757..

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable { Benjamin Tasker Esq^r } Col: Benjamin Tasker
 { Col: Charles Hammond }
 { Col: Edward Lloyd } Daniel Dulany Esq^r

Ordered by his Excellency the Governor with the Advice
of this Board that the present General Assembly be pro-
rogued to the 17th Day of January next, and Proclamations
issued accordingly.

p. 205 At a Council held at the City of Annapolis on Friday
the thirteenth Day of January in the seventh Year of his
Lordship's Dominion Annoque Domini 1758.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable Benjamin Tasker Esq^r Col: Benjamin
Tasker & Daniel Dulany Esq^r

Ordered by his Excellency the Governor with the Advice
of this Board that the present General Assembly be further
prorogued to Tuesday the 24th of this Instant January, and
Proclamations issued accordingly.

18th January 1758.

Ordered with the Advice of this Board, that the present
General Assembly which was to have met the 24th of this
Instant be further prorogued to Monday the sixth Day of
February next, and Proclamations issued accordingly—

At a Council held at the City of Annapolis on Wednesday the 25th Day of January in the seventh Year of his Lordship's Dominion Annoq Domini 1758. Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable Benjamin Tasker Esq. Col: Cha^s Hammond and Col: Benjⁿ Tasker.

His Excellency is pleased to lay before this Board the following Letter.

New York Dec^r 30th 1757.

Sir

I had this Day the Favour of your Letter by Express with the Bill prepared by the Lower House and the Address from both Houses to you.

As I had seen an Extract of the military Part of that Bill before, I am ready to give my Sentiments on it and am clearly of opinion that had it passed into a Law of the Province it would have been a direct Infringement of the Kings undoubted Prerogative and as such was very wisely rejected by the Upper House. At the same Time I am willing to believe that the Assembly had not considered it in that Light or they would never have framed it in that manner, nor had they considered that Right of the King of commanding his Subjects in Arms which is a Right undisputed every where or they would never have disputed the Power of his Commission to have marched the Troops raised by them for the Defence of his Dominions even out of your Province, which I do not understand I have done with Regard to them which was to Fort Cumberland from the best Accounts I have been able to procure but that does not come to be the Question for if they will consider what has happened in almost all the other Provinces they will find that they are single in the opinion of the Kings Power of marching the Provincial Troops into other Provinces. p. 206

At the Meeting at Philadelphia it was settled last Spring that South Carolina was in Danger of a more powerful Invasion from the Enemy than they were able alone to resist, therefore it was agreed that it was necessary they should have an additional Force sent to their Assistance composed partly of regular Troops and partly of Troops raised by other provinces, and two hundred Men did accordingly sail from Virginia and are now with them, and the Troops from North Carolina were in Readiness to go but were prevented by Letters from the Commanding Officer there on the Arrival of a

Lib. J. R. Regiment of a thousand Men from Europe so that they did
& U. S. not then stand in Need of them; there is an Instance in Point
in the very next Province who were likewise to have made up
their Quota of Troops to 400 Men, if they were found neces-
sary for that Service in South Carolina.

But further to illustrate this Point let them reflect that the
Provincial Troops in the more northern provinces, that is
those of New Hampshire, Massachusetts Bay, Rhode Island
Connecticut and the Jerseys have for three Years last past
been serving in the province of New York. There was an At-
tempt about 18: Months ago to have restrained Part of these
Troops within certain Bounds to serve particular Purposes,
altho they never thought of carrying that Point so far as to
restrain them within their own Province and the Moment
that Intention appeared the Ministry immediately interposed,
and no such Measures have been attempted since.

Altho' the Prerogative is undisputed every where I have
thought it necessary to mention these few Instances in their
Neighbourhood to shew them the Singularity of their opin-
ion and Proceedings the Consequence of which I foresaw,
and mentioned in a former Letter, and warned them of in
the Letter I had the Honour to write you of the Effect such a
Measure would have, not only to throw open the Frontier's of
their own Province but to open a Door to the Enemy in the
very Heart of his Majestys Dominions in North America.
As this is the fair State of the Affair I cannot doubt that
those Gentlemen on considering coolly on the Affair will
from their Care for the Preservation of the Lives and
properties of their Fellow Subjects from their Zeal for the
common Cause of all North America, and their Duty to the
King propose such an Act as is not only agreeable to the
Instructions, but agreeable to our happy Constitution of Gov-
p. 207 ernment in the British Dominions without attempting to
make Alterations in it at a Time when the Enemy are taking
every Advantage that can be drawn from any little Jars that
may happen in any of the Provinces of his Majestys extensive
Dominions on this Continent, which are therefore Things
every Man who is a real Lover of his Country will to the
utmost avoid.

As to the Dispute of what province Fort Cumberland be-
longs to 'tis a Thing I never heard disputed but by all Men
I have met with was deemed to be in Maryland but be that
as it will 'tis of no Consequence nor has it any thing to do in
this Affair, nor had I the least Intention of loading Maryland
or easing any other Province by sending the Provincial
Troops of Maryland to it, and in my Orders at that Time I

shewed the greatest Attention to Maryland in employing the whole of the Troops raised by them in covering their Frontiers, and securing the Inlets into their Country when I actually sent two hundred of the Provincials of Virginia by Sea at the Expence of that province to South Carolina and had two hundred more of the Virginia provincial Troops ready to be carried there if that Service had not been provided for by the Arrival of a Regiment of a 1000 Men from Europe.

Lib. J. R.
& U S.

I have shewed you above that the King has the undisputed Right, that he has by his Commission put the Execution of it into my Hands, that Maryland alone have disputed the Kings Right of commanding his Subjects in Arms, altho his Majestys Servant in the Execution of that Trust has had a particular Regard to the Ease and Security of the Province of Maryland.

When I know Things really to stand on this Footing, and can have no Doubt that the Gentlemen that compose the Assembly of Maryland, mean not only to protect the Province of Maryland but to give every Aid to the common Cause in their power I can have no Doubt that on a cool Reflection of the general Situation of the Affairs of this County, the Duty they owe to the King and the Community, whatever Representations may have led them into the present Bill, they will immediately set those Things on a true constitutional Footing, and enter heartily into the common Cause for the Security of Maryland, and to give their utmost Assistance against the common Enemy.

I intended when I writ from Albany to have come directly to Annapolis but some unexpected Business put it out of my Power at that Time and now I cannot fix the Time I shall be with you.

Hoping from your wise Management, and the people coming to see their own true Interest that I shall very soon have better Accounts from you.

I am with sincere Regard

Sir Your most obedient humble Servant

To his Excellency Gov^r Sharpe.

Loudoun

His Excellency is pleased to lay before this Board the following Representation

p. 208

May it please your Excellency.

We acknowledge with Thankfulness your Excellency's just Administration hitherto over us your Readiness at all Times to redress Grievances, correct Abuses among us and earnest Endeavours to fill our Courts of Justice with the ablest and

Lib. J. R.
& U. S.

best Judges from hence we presume with the greatest Respect and Deference to your Excellency humbly to remonstrate to you the Unhappiness under which we apprehend the Justice of Cecil County Bench hath long laboured from the Conduct of Col: John Veazey and Col: Peter Bayard two of the Justices thereof, at the same Time we do assure you Sir it is with Concern we think ourselves obliged to do this, not only from an Assurance that the Matter is unknown to your Excellency but also from a Sense of the Duty which Sir we owe to you and our Country; some Facts we beg Leave here to mention (*viz^t*) That Col: Bayard hath certified a Probate to an Account where the Person never was sworn thereon and antedated the same. That he hath certified an Acknowledgment to a Deed of his own whereby the Creditors of the Bargainor lost their Debts from a Fear of opposing his Power and Influence. That he hath in a summary Way as a Justice, ordered a Freeman to be whipped for a Felony. That the said Col^s Veazey and Bayard have combined in making Entries as of the Court when in Fact there hath been no Court sitting. That Col: Veazey hath delivered the opinion of the Court in a Matter of Controversy to be otherwise than in Fact it was. That after a full Bench had considered a Matter of Law, and the Justices in Court were divided in their opinions and ordered the same to be adjourned to the next Day for a further Hearing Col: Veazey did late in the Evening of the same Day privately order the Clerk to enter Judgment without the Advice or Consent of any other than Col: Bayard and one other, whereas it ought to have remained over to the next Day. That the said Colonel Bayard in Order to be appointed Guardian to Orphans privately sounded and required the Opinion of the Justices separately and doubting their Assent he afterwards when himself, Col Veazey and other Justice were in Court procured an Order to the Clerk to make an Entry, that he the said Bayard was so appointed, and the said Colonel Veazey did thereupon direct the Clerk to enter that Order which Matter being afterwards discovered by one other of the Justices and being told that an Enquiry would be made therein by the Court did privately direct the Clerk to strike out the said Order and no Application was afterwards made for that Guardianship. That the said Col^s hear Matters *ex parté* out of Doors, and then use their Influence on the Bench for the party whose Cause they espouse, and that it is frequent for the Clients to propose to their Attornies when to bring on Motions and Trials according as those two Judges are for or against them, and that where a full Court has made an Order they have ordered their Clerk to make Entries opposite thereto and therefore

they do constantly attend late in the Evenings of the Court when few or none but themselves are there, and in many Instances they have acted inhumanly partially and from private Views in Relation to Orphans, Administrations and other Matters. Lib. J. R. & U. S.

All which we humbly submit to your Excellency and are ready to make appear as to your Excellency shall seem meet.

Geo.. Catto
W^m Thornton
Beale Bordley (Atty)
Cha^s Gordon (Atty)
Geo: Read (Atty)
Francis Key
Sidney George (Atty)

Several of the Facts set forth in
the foregoing Remonstrance I
know to be true, others I have
heard from persons of undoubted
Credit } G: Milligan

W^m Hedges
B: Moody

Several of the Facts charged Col: Bayard is well known to—James Baxter.

Ordered that the Clerk of this Board give Notice to the several persons concerned to attend on Saturday the 15th of April next, and that he send a Copy of the Remonstrance to Col: Veazey and Col: Bayard.

Ordered that the following Copy from the Clerk of Prince Georges County be entered

Prince Georges County ss.. at November Court 1755..

Your Excellencys and Honours Instructions communicated to us by a Letter from M^r John Ross of the 15th of August last, we conceive to be chiefly intended to warn us to be very vigilant in our Duty at a Time we were threatned with such immediate Dangers from our declared Enemies, and to deter every Person amongst us from offering in any manner to disturb the public peace and Safety and therefore delayed troubling your Excellency and Honours with any Return, but being now called upon for a direct Answer by another Letter, we beg Leave to acquaint your Excellency and Honours we will at all Times exert ourselves in the faithful Discharge of our Duty as Magistrates and will endeavour to act on every Occasion as shall become true Friends to our

Lib. J. R. happy Constitution, and this we think the more incumbent
 & U. S. on us to attend to considering the Dangers we are threatned
 p. 210 with from the Invasion of a foreign powerful Enemy the
 frequent Incursions of the Indians in Alliance with them,
 whereby the Frontiers is become a Scene of Slaughter and
 Desolation, the Weight and Influence the Popish Faction
 must receive from their Successes and Artifices of Papists
 to the Number of their Slaves, and their Connection with
 many called protestants as well as the great Landed Estates,
 and other possessions of the Jesuits of this Province.

But from the Enquiries made of the several Particulars
 contained in your Excellency's and Honours Instructions, no
 Person hath been yet accused before us.

Signed 7 Order Jos: Simm Cl:

In Testimony that the foregoing is a true Copy, I
 have hereunto set my Hand and affixed the public
 [Seal] Seal of Prince Georges County afores^d this 18: Day
 of January, Anno Domini 1758..

Jos. Simm Clk: Com. Cur. pre.

At a Council held at the City of Annapolis on Wednesday
 the twenty second Day of February in the seventh Year of
 his Lordships Dominion Annoque Domini 1758:

Present

His Excellency Horatio Sharpe Esq^r Governor

The honble	{	Benjamin Tasker Esq.	}	Richard Lee Esq ^r
		Col: Charles Hammond		Benedict Calvert Esq.
		Samuel Chamberlaine		Daniel Dulany Esq.
		Esq ^r		
		Col: Benjamin Tasker		

Ordered that the following Letter be sent to the Justices
 of the several County Courts of this Province.

February 22^d 1758..

Gentlemen

It is the Desire of his Excellency and the Council that
 during the ensuing Court you make particular Enquiry into
 the Behaviour of the Roman Catholics in your County since
 your Report in Answer to a former Letter to this Effect his
 Excellency and their Honours desire likewise that you will
 before the End of the next Court make a Report to them
 concerning the Conduct of those People since your former
 Report and if any have behaved otherwise than become

dutiful and loyal Subjects they desire to know what Notice the Court has taken thereof, and what punishment has been inflicted on the Offenders—

Lib. J.R.
& U. S.

I am &c..

At a Council held at the City of Annapolis on Friday the 24th Day of February in the seventh year of his Lordships Dominion Annoque Domini 1758: p. 211

Present

His Excellency Horatio Sharpe Esq. Governor.

The honourable	{	Benjamin Tasker Esq ^r	}	Richard Lee Esq ^r
		Samuel Chamberlaine		Benedict Calvert Esq ^r
		Esq ^r		Daniel Dulany Esq ^r
		Col: Benjamin Tasker		

His Excellency is pleased to lay before this Board the following petition.

To his Excellency Horatio Sharpe Esq. Governor of Maryland.

The Petition of Col: Thomas Cresap of Frederick County.
Humbly sheweth

That in the year seventeen hundred and fifty six your Petitioner was obliged thro' Fear of the Indians to leave his dwelling Plantation in Frederick County at a place called the old Town about fourteen Miles to the Southward of Fort Cumberland that your Petitioner not being able to remove his Effects from his said House at the Time he was obliged to depart from it left in his dwelling House and Store house locked up and secured in the best manner he was able about one thousand Weight of Wheat Flour, five Bushels of Salt one Hogshead of Rum, about one thousand pounds of brown Sugar, about five Gallons of Melasses in a Stone Bottle, about one thousand Pounds of bar Lead, about sixty thousand Nails, a Cask of China Ware a Cask of Glass Ware, about two Dozen frying Pans, Carpenters Tools, Smith Tools Brass Kettles, and Plantation Utensils, and some Household Furniture as by an Affidavit made by your petitioner hereunto annexed may appear, the most valuable Part of which Effects your Petitioner buried in a Cellar of his House to prevent the same from being discovered by the Indians in Case they should break and enter his House, your Petitioner further sheweth that since his leaving his said House and Plantation Henry Enocks the elder and Henry Enocks the younger, Jacob Lane, and William Lockhart all of Frederick

Lib. J. R. County in the Colony of Virginia have been concerned in
 & U. S. taking and stealing from your petitioners said House some
 of his Effects as appears from the Depositions hereunto an-
 nexed taken before a Justice of Peace in Frederick County in
 Virginia, and your petitioner has Reason to apprehend that
 p. 212 most of his Effects left by him at his said Dwelling House
 at the old Town have been taken and stolen by the said
 Henry Enock the elder, Henry Enock the younger Jacob
 Lane and William Lockhart or some of them, and your
 Petitioner further sheweth that he is advised that the said
 persons can't be prosecuted for the said Felony in Virginia
 as the same was committed in Maryland, and that as the
 said ffelons are resident in Virginia and cant be taken in
 Maryland, that your Petitioner can't prosecute them for the
 said Felony unless the Government of Virginia can be pre-
 vailed upon to send the said Felons into this Province to
 receive their Tryal your Petitioner therefore humbly prays
 that your Excellency will be pleased to represent this Matter
 to the Government of Virginia and take such Steps to procure
 the said Felons to be sent into Frederick County in Maryland
 to receive their Trials for the same as to your Excellency
 shall seem proper, and your Petitioner as in Duty bound will
 ever pray &c.

Tho^s Cresap.

This Day came before me William Cocks Gentleman one of
 his Majesty's Justices of the peace for the County of Fred-
 erick, and being sworn on the holy Evangelist deposeth and
 saith that some Time in October last this Deponent was with
 some others a hunting and came to the Plantation of Col:
 Thomas Cresap where this Deponent see Henry Hencock
 junior take from the said Cresap's plantation about two
 Bushels and a Half of Flour, and after taking the Flour he
 hunted about and took a large Jugg which this Deponent
 thinks had Melasses in, and a Cannister which had some
 Pepper in it and after that he the said Henry Enocks junior
 broke a Jugg which had some Sugar in it and William Lock-
 ard took the Sugar away, and further saith not.

Jacob Lean

Frederick County ss: The above Deposition sworn to
 before me. May 29: 1757..

H Cocks.

Frederick County in the Colony of Virginia (to wit.)

The Deposition of Richard Lane aged forty nine Years
 and upwards taken on the holy Evangelists of almighty God

before Thomas Caton Gentleman a Justice of the peace for the said County the 10: Day of May 1757 deposeth and saith Lib. J. R.
& U. S. that he went up to Henry Enocks' plantation on Cape Capon sometime last Fall a hunting where he stayed for a considerable Time in Company with the said Henry Enocks his Son Henry Enocks jun^r this Deponents Son Jacob Lane and William Lockhart and that when this Deponent first came to the said Henry Enock's House he saw there about three Pecks of Salt about a Bushel and a half of Flour which the said Henry Enocks sen^r told this Deponent they had brought from Col. Thomas Cresap's House at the old Town, and that after a few Days he the said Henry Enocks sen^r sent the said Henry Enocks jun: the said William Lockhart and this Dep^{ts} Son Jacob Lane to the said Cresap's Plantation again, and after their Return to the said Henry Enock's House this Deponent saw them have a Jugg of Melasses which he heard the said Henry Enocks junior say he had taken from the said Cresaps' Plantation but did not steal it for the said William Lockhart had appraised the same at five Shillings, and that if the said Cresap would give him the said Henry Enocks junior half a Crown he might have the Jugg again, and this Deponent further saith that the said Henry Enocks junior Jacob Lane and William Lockhart likewise brought with them about half a Barrel of Meal, and this Deponent further saith that he heard the said Henry Enocks sen. say, our Lads (meaning as this Deponent understood, the said Henry Enocks junior William Lockhart and Jacob Lane) found a fine Kettle and did not bring it with them, upon which this Deponent asked Henry Enocks sen^r if he would go to steal the Kettle, to which the said Henry Enocks sen: replied, if he (the said Henry Enocks had it till Hunting was over he should not care what the Devil went with it afterwards, and further this Deponent saith not.

Sworn before me Tho^s Caton

May 10: 1757:

Frederick County in Maryland (to wit)

The Deposition of Friend Cox aged forty two Years and upwards taken on the holy Evangelists of Almighty God before Thomas Caton Gentleman a Justice of the Peace for the County aforesaid the 10th Day of May 1758.. deposeth and saith that he heard Jacob Lane say he had seen Henry Enocks junior break a large Jugg that was in a Hole in Col: Cresap's House at the old Town full of Sugar in order to get at a Kettle which was in the said Hole which the said Henry Enocks would have taken away but the said Lane

Lib. J. R. cursed the said Henry Enocks and threatned to tell of it,
& U. S. and this Deponent further saith that he heard Henry Enocks
senior Father to the aforesaid Henry Enocks jun: acknowl-
edge that he had the said Kettle in his Possession, and
this Deponent further saith that he saw a Jugg at the House
of Henry Enocks senior, and heard Jacob Lane say that
Henry Enocks junior had brought it from the said Cresap's
House, and this Deponent further saith that he has often
heard the said Jacob Lane say that he would tell Col: Cresap
p. 214 that Henry Enocks had taken his Goods, and further this
Deponent saith not.

Sworn before me Tho^s Caton

May 10th 1757

Frederick County in the Colony of Virginia to wit.

The Deposition of Davis Morgan aged thirty eight Years
and upwards taken on the holy Evangelists of almighty God
before Thomas Caton Gentleman a Justice of the Peace for
the said County the 10th Day of May 1757.. deposeth and
saith that he was at the Plantation of Col: Thomas Cresap
called the old Town some Time last Fall in Company with
Henry Enocks junior and William Lockhart and saw the
said Henry Enocks have a brass Kettle which this Deponent
imagined would hold about two Gallons and understood that
the same was the Property of the said Cresap, and this
Deponent further saith that he saw the said William Lock-
hart take a Parcel of Spoons out of a Cask which had been
buried in the Ground but dug up again, and that this De-
ponent saw the said Henry Enocks receive the said Spoons
from the said William Lockhart, put them into his Wallet,
and carry them away and this Deponent further saith that
he saw another large Kettle by the aforesaid Hole which this
Deponent took carried into the Fort and left in a Shed, and
that this Deponent told John Nichols where he had left it,
that he might give an Account of the same to the said Cresap
or any of his Family that should come that Way, and this
Deponent further saith that Lawrence Ross and Robert Ross
told this Deponent there was two Pounds of Powder and 12..
or 13.. lb.. of Musquet Balls hid in the Loft of their Father's
House, and that if this Deponent would take the Trouble to
move some Corn and look for it he should be welcome to it
if he could find it, and this Deponent further saith that in
looking for the said Powder and Lead he found sundry Look-
ing Glass hid in the said House some of which he took and
carried away, and that one Night when this Deponent was at
the said Ross's House on the South Branch of Potowmack

the said William Ross & his Sons the said Lawrence Ross and Robert Ross came there and brought an Iron Pot with them with a Bit broke out of the Edge which this Deponent had seen in the said Cresaps lower Fort sometime before which Pot the said Ross told this Deponent he had brought for him to cook in while he stayed there, and that the said Ross told this Deponent it was his Pot. and further this Deponent saith not.

May 10th 1757..

Sworn before me Tho^s Caton

Lib. J. R.
& U. S.

Frederick County in the Colony of Virginia (to wit)

The Deposition of James Cox aged nineteen Years or thereabouts taken on the holy Evangelists of almighty God before Thomas Caton Gentleman a Justice of the Peace for the County aforesaid the 10th Day of May 1757.. deposeth and saith that he being at the House of Henry Enocks sen: on Cape Capon sometime last Fall saw a Jugg of Melasses in the said House which he heard Jacob Lane tell Henry Enocks senior that his Son Henry Enocks junior from the Plantation of Col: Thomas Cresap called the Old Town, and further this Deponent saith not.

May 10th 1757..

Sworn before me Tho: Caton

p. 215

Frederick County in the Colony of Virginia to wit.

The Deposition of John Nichols aged forty eight years or thereabouts taken on the holy Evangelists of Almighty God before Thomas Caton Gentleman a Justice of the peace for the County aforesaid the 10th Day of May 1757.. deposeth and saith that sometime last Fall as this Deponent and several others had been up to Fort Cumberland they called at Col: Thomas Cresap's House at the old Town, and saw one David Morgan pick up a Kettle which lay by the said Cresap's Upper Fort, which he the said David Morgan said he would carry home, and mend his (the said David Morgan's) Kettle with and this Deponent further saith that some time after as he was going up towards the said Cresap's Plantation again he saw the said Morgan have several Looking Glasses which this Deponent imagined were brought from the said Cresap's Plantation, and this Deponent further saith that he has heard Jacob Lane say several Times that Henry Enock junior had broke a Jugg that was buried in a Hole in the said Cresaps' Plantation, in Order to get at a Kettle that was buried in the same Hole, and that the said Henry Enocks junior was going to take the same away but that the said Lane threatened to tell the said Cresap of it and this Deponent further saith that he saw an Ax at the House of

Lib. J. R. Henry Enocks sen^r on Cape Capon which this Deponent
& U. S. suspected the said Henry Enocks had stolen from the said
Cresap's House, and on examining him about it the said
Henry Enocks sen: told this Deponent that somebody had
brought the same and hid it under his House, and this De-
ponent further saith that he heard the said Enocks say that
Rogues made a practice of stealing Things and hiding them
under his Floor. and further this Deponent saith not.
May 10th 1757.. Sworn before me Tho: Caton.

Frederick County in the Colony of Virginia to wit

The Deposition of Isaac Thomas aged twenty one Years
or thereabouts, taken on the holy Evangelists of Almighty
God before Thomas Caton Gentleman a Justice of the peace
for the County aforesaid the 10: Day of May 1757.. deposeth
and saith that this Deponent and one Jacob Lane having been
p. 216 up at Fort Cumberland sometime last Fall called at the House
of Col: Thomas Cresap at the old Town and laid in the said
Cresap's Upper Fort one Night and the next Morning they
went into a Cellar under a Shed of the said Cresap's House
to look for some dried Beef for themselves to eat and found
there four Bars of Lead which this Deponent imagines would
weigh about a Pound each and that this Deponent took two
of the same and the said Lane took the other two and carried
them away and converted the same to their own Use, and this
Deponent further saith that in a Discourse had between the
said Jacob Lane and this Deponent the said Jacob Lane told
this Deponent that he the said Jacob Lane William Lockhart
and Henry Enocks junior had taken a Jugg of Melasses
which the said Jacob Lane and James Cox was eating some
of, and this Deponent eat some with them at the House of
Henry Enocks sen. on Cape Capon, and that the said Lane
at the same Time said there was a large Kettle in a Hole out
of which they had taken the said Jugg and that the said
Henry Enocks jun: broke a large Jugg that was full of Sugar
in Order to get at the said Kettle, and was going to take the
same away till the said Lane cursed him and threatned to tell
if he did, and this Deponent further saith that when he was
at the said Cresap's House he saw sundry Goods lying about
the said House, to wit, Weeding Hoes, Frying Pans, and
several Bars of Steel, and further this Deponent saith not.

Sworn before me Tho: Caton

May 10th 1757..

Ann Arundel County ss..

The Deposition of Col: Thomas Cresap aged about 66:
years or thereabouts taken before me the Subscriber one of

his Lordships Justices for Ann Arundel Court this twenty second Day of January 1758 who being sworn on the holy Evangels of Almighty God deposeth and saith that sometime in June 1756 he this Deponent was obliged to leave his Plantation at the old Town in Frederick County for Fear of the Indians and in his Dwelling House and Storehouse he left several Store Goods and Household Goods with some Provision, about the Quantity of one thousand Pounds of Wheat Flour, five Bushels of Salt, one Hogshead of Rum, about 1000: lb of brown Sugar and five Gallons of Melasses in a Stone Bottle Jugg, upwards of 1000 lb of Bar Lead, about sixty thousand Nails, a Cask containing sundry China Ware, one other containing drinking Glasses, two Doz: frying pans, all Sorts of Carpenters Tools and Smiths Tools, several Plantation Utensils and several brass Kettles; the greatest part of the several Goods before mentioned he this Deponent has great Reason to believe, was taken from out of his Houses on his Plantation af^d by a certain Henry Enocks senior and junior by Reason several of the above mentioned Goods being proved to be in their Custody, and further this Deponent saith not: Lib. J. R.
& U. S.

Sworn to before me the Day and Year above.

Tho.. Jennings

It is the Advice of this Board that his Excellency be pleased to write to the President of Virginia and send him a Copy of the foregoing Petition and Depositions for his Consideration, thereupon the following Letter being prepared was sent accordingly.

Annapolis the 24.. of February 1758.

Sir

At the Request of the Petitioner and by the Advice of the Council of this Province I take the Liberty to send you the Petition of one of our Frontier Inhabitants named Thomas Cresap wherein he represents that sundry Goods to a considerable Value have been stole from him as he is informed by some persons who live in Virginia and that this being the Case he cannot prosecute the supposed Offenders in Order to bring them to Justice, unless the Governm^t of Virginia will have them apprehended and sent into Maryland where the Facts were committed. You will learn from the Depositions that are annexed to the Petition, who are the Persons accused, what Grounds there are for the Petitioners Suspicion, and also the Names of some Persons that will be called upon as Evidences; if you shall be of opinion that the former ought to be apprehended and delivered up to an Officer of this

Lib. J. R. Governm^t you will be pleased to give Orders for that Purpose
& U. S. and to intimate to me at what Time and Place one of our
Sheriffs might be directed to attend and receive them. As
our Provincial Court will sit the eleventh of April next I hope
they can be brought hither before that Time and if you will
be so kind as to give Orders that the Evidences attend the
Tryal, Protections for them shall be delivered to the Sheriff
that might be ordered to receive the prisoners

I am Sir, your most humble & most obed^t Servant
To the honble John Blair Esq: Hor.. Sharpe

Ordered that the Clerk of the Provincial Court issue Pro-
tections for Jacob Lane Richard Lane, Friend Cox, David
Morgan and William Lockhart, as Witnesses to the next
provincial Court on Behalf of Thomas Cresap.

His Excellency is pleased to lay before this Board the fol-
lowing Letter.

New York February 13.. 1758.

Sir

As I am directed by his Majesty to apply to the several
p. 218 Governments in North America for such Aid and Assistance
as are necessary for carrying on the War in this Country
which is likewise fully expressed in the several Letters trans-
mitted by his Majesty's Secretaries of State, down from Sir
Thomas Robinson's Letters to them of the twenty sixth of
October 1754: to this Time directing that they should corre-
spond and co-operate with his Majesty's Commander in Chief
for the Time being in North America, and that they will use
their utmost Endeavours to induce their Councils and As-
semblies to give the necessary Orders for raising their
Quotas of Men with the greatest Expedition, so that they
may be ready to march to such places as the Commander
in Chief shall direct.

In Consequence of which Orders I do now apply to you
to use your utmost Endeavour with your Council and As-
sembly to furnish a Body of four hundred good Men and that
as many of them as possible should be used to ranging, to
act in Conjunction with his Majesty's Forces the next Spring,
in carrying on vigorous and offensive Measures against the
Enemy over and above what is necessary for the Defence
of your own Forts on the Frontiers of your Province, and
this Body should be ready to march by the Beginning of
April.

As this will occasion the raising an additional Number
to what your Province now have, I would propose to you

that the Addition should be raised only for the Campaign, and to be dismissed at the End of it, by which Means I am of opinion that it will not only be less expensive to the Province but you will the sooner compleat your Quota with good Men as they will be enabled to return to their own Habitations in the Winter.

I am the further induced to expect that they will readily comply with this Request that I will as soon as they join his Majesty's Forces supply them with the King's Provisions at the Expence of the Crown which will greatly ease the province in that material Article, and as the Service I propose to employ them on will be an immediate Benefit and Security to your Province.

I need use no Arguments to induce you who are so well acquainted with the Interest of this Country to use your utmost Endeavours to forward this Measure so essential for carrying on the War, and the Safety of your own province.

I am with great Regard, Sir,
Your most obedient humble Servant

To Gov^r Sharpe.

Loudoun

It is the Advice of this Board to his Excellency, that he be pleased to lay the foregoing Letter before the present General Assembly.

At a Council held at the City of Annapolis on Thursday the 9th Day of March in the seventh year of his Lordship's Dominion Annoque Domini 1758:

Present

His Excellency Horatio Sharpe Esq: Governor.

The honourable	{	Benjamin Tasker	}	Benedict Calvert Esq.
		Samuel Chamberlaine		
		Esq.		
		Col: Benjamin Tasker		Daniel Dulany Esq.

Ordered that the following Letters be entred.

Honoured Sir

In Obedience to your late Instructions given me after ordering the Company of Militia under my Command to be warned in by the Officers of the Company when on their Meeting I proposed to march as directed to Fort Frederick and directed them to do so, and not more than ten of the Company would obey such my Instructions, thô I cannot at

Lib. J. R. the same Time but think it my Duty to inform your Excel-
& U. S. lency in Justice to the people that I really believe the Cause
to proceed from Persons (who I shall forbear to say) any
other ways than by the inclosed Copy of a Letter which came
to Hand and is yet the fullest Evidence I can yet come at in
this Matter, tho' am of Opinion that on a full Enquiry a more
certain Knowledge of the Facts may be had. As the Num-
bers of the Men willing to march are so few, am at a Loss to
know till your Excellency is pleased to signify your farther
Pleasure what to do.

I am of Opinion that if one of the Field Officers had at-
tended the Company, and given Orders for the March of
those Men that more of them would have gone.

Your Excellency was pleased to direct a Return of such
as refused to march to be made to a Magistrate, it has
already been industriously reported that I am solely to blame
in this Matter, and that if I make a Return of those refusing
that I shall be the Cause of the Calamities of such who for
their Disobedience are punished, or Words tending that
way. If your Excellency should be pleased to direct one
of the Field-Officers to attend one Meeting of the Company,
and if any disobedient and refuse to go, that the Field Officer
may make such Return as your Excellency may think proper
p. 220 and direct it would in a very great Degree free me from the
heavy Charge against me just mentioned.

After begging your Excellency's Favour in the Matter
just named shall wait your farther Orders which shall be
cheerfully obeyed by.

Your Excellency's most obedient and very humle Serv^t
Jan: 18: 1758. Peregrine Brown.

Sir

I have been a good deal about, and find by the Majority
of people is intirely against our going to the Fort, I have it
from Men of good Account as well as the Country, they are
all of Opinion that if the People in General refuse going not
a Man will be hurt I find it is greatly the Desire of all
People both rich and poor to have the Steelponeans to refuse,
I am credibly informed that even the Magistrates themselves
will not be forward to commit them for not going, for they
say if the Men will not go there must be a Provision made,
beside you may take it for granted, that the Militia is not
obliged by the Law to tarry at the Fort one Day but may
come back immediately unless the Enemy was on the Fron-
tiers and for any if the Gentlemen of Steelpone has a Mind
to inform themselves further may apply themselves to M^r

Thomas Ringgold without a Fee for M^r John Chapple told me that he would be obliged to pay all the Costs that they should be at on that Affair, beside, they say that if the Steelponeans should break the Way the rest would be obliged to follow, for that gives the Thing up they will count you more than Madmen if you should go you may depend upon it that not half will come back, but will perish with the Cold, and as for raising of Mony it is out of the Question neither is it in the Governor's power to accept it, for I have it from good Authority, for even the Press Master himself is liable to Damage from every Man that he takes from, for I had it from his own Mouth and he from a Lawyer from your Friend.

Lib. J. R.
& U. S.

W^m Coburn.

To M^r Thomas Chandler living in Steelpone: This

The above is a true Copy of a Letter lately in the Hands of the Clerk of the Company of Militia, under the Command of.

Peregrine Brown Jan: 18: 1758:

Sir

According to your Excellency's Directions I gave Captain Peregrine Brown his Orders with the necessary Warrants for pressing Carriages and provisions the 26: of Dec^r I went immediately after to Wye, upon his Return from Annapolis he told me he had brought as far as Dockery's a Packet from your Excellency for me but that by Mistake he had sent it to Col: Tilghman, instead of one directed for him, if he had any such packet I cant conceive what is become of it as it is not yet come to my Hands. I then advised immediately to call his Men together, and either proceed to the Fort immediately or make Returns of those Men that refused to go. he met them the 16: Instant when he informs me, every Man refused to march. I this Day in the most pressing Manner called upon him to tell me positively whether he would return Certificates or not but can't get any answer. p. 221

The Doctrine here is that the Law put in Execution will absolutely ruin the Country that there is no Penalty on the Captain if he refuses to return Certificates, that the Men by that Means escape Punishment Captain Brown has lately embarked in the popular Way and has I am told received Threats in Case he does any thing that will distress the People suppose this has some Influence on him. Captain Browne shewed me a Letter from M^r Hands to him in which he lets him know your Excellency directs that he shall give him a positive Answer immediately, whether he will march

Lib. J. R. or not, and when. I am with the greatest Respect your most
& U. S. obed^t humble Servant.

January 18: 1758:

Richard Lloyd.

Sir

On Tuesday last I received the Honour of your Excellency's verbal Commands by Lieutenant Forty, to enquire of Captain Peregrine Browne whether himself and the Company of Militia under his Command would march pursuant to your Instructions given to him, and that I should transmit to your Excellency his Answer by an Express, I immediately wrote to him and therein signified your Pleasure this Morning he came here, said he should have wrote before but yesterday was appointed for him to meet his Company and receive their final Resolution, which he says is that they will not march (8: or 10: excepted) he complains much that the Influence of those, whose particular Duty it ought to have been to have excited the People to a due Obedience to the Law was wanting, and that they were practised on by others not to march of which he says he hath acquainted your Excellency by the inclosed Letter, he begs of me to ask if you charged him with any Letter for Col: Richard Lloyd he says he thinks you did, but thro' some unknown Accident he cannot find it, and is afraid some invidious Reflections may be cast on him for it's being not delivered: by every Thing that I have heard, I truly believe that Brown would very willingly have marched, and that he did with becoming Spirit urge every Argument in his power to persuade the People thereto: I am your Excellency's very humble Serv^t

Chester Jan^y 20th 1758..

B: Hands.

Annapolis 25.. of January 1758:

p. 222 Sir

You will easily guess that I was surprised to learn from your Letter of the 18: Instant that M^r Hands had wrote any such Letter to Captain Brown as you mention when I assure you that I had never desired him to do so, or to concern himself after any manner whatever with the Militia of your County. However I find by a Letter which I have received also from M^r Hands as well as by yours that he did call on Captain Browne to give him a positive Answer whether he should march or not, but I find at the same time that his interfering so far was intirely owing to a Mistake of M^r Forty, and not any Forwardness or Error of that Gentleman himself. I thank you for acquainting me so freely with what had happened, and assure you that I should have wrote to

you with the same Freedom, if your Conduct on all Occasions had not been such as I well approved of. I am very sorry Captain Browne should be still unable to persuade his Men to march to the Frontiers in Obedience to my Orders, and I am more concerned that he should have declined certifying to a Magistrate the Names of such as refused to march when he had my peremptory Orders to do so. I have not sealed the inclosed that you may see what Answer I have given to Captain Brown's last Letter, and I hope it will have its proper Weight, but if the Captain should for Fear of incurring the Censure of a few popular Men or to curry Favour with those that he has a Right and ought to command still decline to return to a Magistrate the Names of those Men that refuse to march, I must desire you to return them or to see that they are returned or certified by some other Field-Officer that the Law may have it's Effect. I need not point out to you the ill Consequences that would necessarily follow was I to countermand the Orders that have been given to Captain Browne, or was I to connive at his Company's Refusal to obey them; the only way to prevent them is to insist on Captain Brown's Compliance, and notwithstanding what has already happened I persuade myself that when you have talked with the Captain again, & delivered him my Letter he will shew a proper Spirit and act with the Resolution becoming a Gentleman in his Station. I am &c.
To Col: Richard Lloyd. H: S:

Lib. J. R.
& U. S.

Annapolis 25th January 1758:

Sir

I am sorry your Letter of the 18: Instant should have made it necessary for me to add any Thing to the Instructions I have already given, or to what I told you when you were lately at Annapolis but since your Men or most of them persist in their Refusal to march I hereby command and enjoin you forthwith to certifie to the next Magistrate the Names of all those that refused to march unless they will now obey your Orders, and I do moreover command you to proceed without Delay to Fort Frederick with such of your Officers and Men as should be willing to march tho' they should be no more than ten or even a less Number you will not I hope regard the idle and false Reports of some discontented, disaffected, or dastardly People or make them an Excuse from pursuing the Orders given you by your Commanding Officer: if the People (have as 'tis said) been made to believe that if you decline sending to a Magistrate the Names of those that refuse to march they will from that Circumstance escape with Impunity they will find themselves

p. 223

Lib. J. R. deceived, for since my Orders are issued, I must insist on
& U. S. the Laws being obeyed, and I flatter myself you will not here-
after fail to do your Duty, especially when you are assured
that none of the Men of whom your Company consists will
therefrom receive the least Benefit. I am &c.

To Captain Peregrine Browne.

H: S:

Whereas it appears to this Board, that at this present
Juncture, it is necessary that Part of the Militia of this
Province should march to the Western Frontiers thereof with
all convenient Speed,

Ordered that such of Captain Peregrine Brown's Com-
pany of Kent County as are able to march be completed from
Draughts of some other Company of the same County and
that one Company of the Militia march from Cecil County
and likewise one Company of the Militia from Calvert
County for the necessary Defence of this Province.

Annapolis 9: of March 1758..

Sir

I desire that immediately on the Receipt hereof you will call
together the Field Officers and Captains of Militia in your
County, and that when they are met you will prepare Lots
and require the several Captains to draw them, and in Case
any Captain should happen to be absent the Major or Lieu-
tenant Col: is to draw a Lot in his Name and Behalf. After
they have been all drawn you are to insert in the inclosed
Orders the Name of the Captain whose Turn it shall be to
march, and to deliver them to him, together with the Press
Warrant the Blanks of which you are likewise to fill with the
p. 224 Names of the Press Masters, and of the Captain As it is abso-
lutely necessary that the Company marches without Delay. I
desire you will exert yourself in an extraordinary manner on
the Occasion and incite the Press Masters as well as the Cap-
tain to act with Vigour and Resolution if you find it necessary
you may assure the Men, that they will not be required to go a
Step beyond Fort Frederick nor detained on the Frontiers
longer than two Months on any Account whatever: you will
send me a Roll of the Names of the Men that march as soon
as the Company has moved, and I hope to receive it about the
End of next Week at farthest. I am &c.

H. S..

To Col: Veazey.

At a Council held at the City of Annapolis on Wednesday the 15.. of March in the seventh year of his Lordship's Dominion Annoque Domini 1758.. Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq. Governor.

The honourable Benjⁿ Tasker Esq. Col: Benjⁿ Tasker & Daniel Dulany Esq.

His Excellency is pleased to lay before this Board the following Letters which being read are ordered to be entered:

Whitehall 30: of December 1757..

Sir

The King having judged proper that the Earl of Loudoun should return to England, and his Majesty having been pleased to appoint Major General Abercromby to succeed his Lordship as Commander in Chief of the Kings Forces in North America with the same Powers and Authorities, I am commanded to signify to you his Majesty's Pleasure, that you do apply to and correspond with Major General Abercromby on all Matters relating to the King's Service, & that you do obey such orders as you shall receive from him in the same manner as you were directed to do with Regard to the several former Commanders in Chief in North America and you will from time to time give M^r Abercromby all the Assistance and Lights in your Power in all Matters relative to the Command with which the King has honoured him.

And I am particularly to signify to you his Majesty's Pleasure that in Case Major General Abercromby or the Commander in Chief of his Majesty's Forces shall at any Time apply to you to lay an Embargo on all Ships within your Province, you do strictly comply with the said Request, for so long a Time as the Commander in Chief shall desire. p. 225

The King having resolved to send a considerable Squadron of Ships, the ensuing year to North America, I am further to signify to you his Majesty's Pleasure that you do from Time to Time transmit to the Commander in Chief of the Kings Ships in North America all Intelligence relative to his Departm^t in the same manner as you were directed to do by my Letter of the 19th of last Febry to Vice Admiral Holbourne, and it is also the Kings Pleasure that you do on any Application from the Commander in Chief of the King's Ships use all legal Methods to supply him with such a Number of Sailors and Workmen from your Province as he shall at any Time require for his Majesty's Service.

I am Sir your most obedient humble Servant Deputy Governor of Maryland W.. Pitt

Lib. J. R.
& U. S. Sir

Whitehall 7th of January 1758..

It is with great Concern that I am to acquaint you with the Death of her Royal Highness the Princess Caroline which happened on Wednesday the 28th past about eleven o'Clock in the Morning. I have however the Satisfaction to inform you that the King enjoys perfect good Health, tho' his Majesty has been much affected with this melancholy Event. I am, Sir, your most obed^t humble Serv^t

I have received your Letters of July 20th & Oct^r 22^d

W.. Pitt.

Deputy Governor of Maryland.

S^r

I did not receive yours of the 25th of January until the Evening of the 2^d of February I immediately appointed Captain Browne to meet me at Chester Town on the 6th Upon my going up to Town I received a Letter from him acquainting me he was in a Slight Fit of the Pleurisie, upon which I inclosed him your Letter, and gave him my Advice to act immediately, or to let me know he would not. The Captain continued very unwell some Time, but as I had found Fault with him at our last Meeting for his Delay, he thro' (it appears to me) an over Anxiousness to keep clear of that Blame for the future, appointed the Parade at Worton Warehouse on the 13th when thro' the excessive Badness of the
p. 226 Weather, and the Shortness of the Time no Provision was got down, and if it had there was no Probability of setting off as two Vessels intended to have been made Use of for that Occasion were both froze fast and no Possibility of getting them out. The Friday following was then appointed by which Time the Stores were all lodged, when one of the Vessels had cut out off the Ice and was gone upon another Voyage. Another Vessel at some Distance was then pressed, but thro' Badness of the Weather high Wind and low Tides has not been able to get down to them. The Men in Number about forty five have been at the Bay Side ever since: I saw the Captain yesterday he seems to have suffered a good Deal (suppose his Men much more) he informs me two of them are very ill. he expects to set off, on this Day or to Morrow for Patapsco, and hopes your Excellency will lodge Orders for him there directing him how to act. Captain Browne has promised me a List of those Persons he shall return, which when received I will immediately inclose. I am very

well satisfied with what your Excellency says in regard to
M^r Hands, and am Sir with very great Respect.

Lib. J. R.
& U. S.

Your obed^t humble Servant

Kent County Feb: 27: 1758.

Richard Lloyd.

P. S. One Misfortune seems attended with another, I just now looked out of my Window and find Susquehanna is broke up, the Bay very full of Ice.

Sir

My last gave you an Account that forty to fifty of Captain Browne's Men had been for some time at the Bay Side waiting for Vessels to carry them. they on Wednesday last in three small Vessels set off, and that Night got under the Western Shore nigh Patapsco. The Gale of Wind that came up the next Morning obliged them all to run into Chester for a Harbour, where, either thro' Mismanagement or from it's over blowing, they all went on Shore, one of the Vessels immediately sprung a Leak and threw over Board about thirty Barrels of Bread, and some other provision many of the Men I hear are Frost bitten; they are all returning and determined to a Man not to go, let the Consequence be what it will. My Declaration made in the most solemn manner, that if no other Officer in the County would do his Duty, yet I would do mine, and that I never would undertake to say that a Law allowed by all to be in Force, ought not to be executed; I am convinced was the Cause of these Men's going, to speak my Mind freely. I look upon the Law to be as cruel as it possibly can be, and if fully executed must ruin the People, and since this Accident has happened (tho' I am p. 227 certainly sure it is thro' Mismanagement of the Officers, from the very first Orders) I hope your Excellency will excuse me when I say, I am determined never more to give any Orders of the Sort for the future. Now as it seems an Inconsistency for any Man to hold a Commission that he will not fully execute, I shall with the greatest Pleasure return mine if agreeable to your Excellency; and shall be greatly pleased some more qualified Person supplies my place. I take the Liberty to wish your Excellency a great Deal of Happiness, and to say that I am with very great Esteem, your obed^t humble Servant.

Kent County Mar: 7: 1758..

Rich^d Lloyd.

Lib. J. R. At a Council held at the City of Annapolis on Tuesday
& U. S. the 21st Day of March in the seventh year of his Lordship's
Dominion Annoque Domini 1758..

Present

His Excellency Horatio Sharpe Esq. Governor.

The honourable Benjamin Tasker Esq: Col: Cha^s Hammond & Col: Tasker.

His Excellency is pleased to lay before this Board the following Letter

New York March 15.. 1758..

Sir

By circular Letters from M^r Secretary Pitt bearing Date at Whitehall Dec^r 30th 1757.. to all his Majesty's Governors on the Continent of North America from Pensilvania inclusive to the Southward, which Letters arrived here on the 4th Instant by the Squirrel Ship of War, and were immediately forwarded to you by Express from Lieutenant Governor Delancey, you will find Sir that the King having judged proper that the Earl of Loudoun should return to England his Majesty at the same time was pleased to appoint me to succeed his Lordship as Commander in Chief of the King's Forces in North America with the same powers and authorities, and you will likewise find that in Pursuance of that Appointment it was his Majesty's Pleasure that all his Governors on the Continent should apply to and correspond, with me on all Matters relating to the King's Service. In Consequence of which Pleasure so signified to you and repeated to me I am to recommend to you to use your utmost Endeavours and Influences with the Council and Assembly of your Province to induce them to raise with all possible Dispatch as large a Body of Men within your Government as the Number and Situation of it's Inhabitants may allow, all which has already been strongly recommended to you by his Majesty's Secretary of State as likewise several other Matters contained in the same Letter which for the Sake of Brevity I shall avoid repeating and solely refer myself to, as it is so full that I do not think it can want any additions. So far I will venture to go for your further Guidance as to fix the Number of Provincial Troops that may be wanted for his Majesty's Service in those Quarters to six Thousand to be furnished by Virginia Maryland, and Pensilvania in such proportions, and upon the Terms set forth in the above quoted Letter of M^r Secretary Pitt, to his Majesty's Governors in North America.

I am at the same Time to acquaint you that as it is abso-
lutely necessary for his Majesty's Service that an immediate
Embargo should be laid on all Ships in the different Ports of
the respective Provinces in North America, and as you have
already been forewarned, that whenever such Directions
should be transmitted to you by his Majesty's Commander
in Chief in these Parts you should without any the least
Difficulty comply therewith. I make no Doubt that upon Receit
hereof you will forthwith publish the said Embargo which is
to hold good until such Time as you receive Notice from me
to take off the same which you may depend on being trans-
mitted to you as soon as his Majesty's Service will allow of it.

I have nothing further to add but to desire that you will give me the earliest Notice possible of the Success you meet with in your Application to your Council & Assembly, and what Resolutions they are or are likely to come to upon the Subject of the Troops to be raised by them conformable to his Majesty's Directions, especially as the Season is so far advanced, and there is no Time to lose.

I am with great Regard Sir, your most obed^t humble
P. S. The Embargo took Place in Servant
this Port Yesterday. James Abercromby.

Ordered that the following Letter be sent to the Officers of the Customs in the several Ports within this Province.

Sir

It being recommended to me by the honourable James Abercromby Esq. Commander in Chief of his Majesty's Forces in North America as a Matter of the greatest Importance that an Embargo should be laid in the sev^l Ports within my Government you are therefore hereby required not to clear any Ship or Vessel within your Port until you shall receive my further Directions herein I am &c.

At a Council held at the City of Annapolis on Thursday the 23^d Day of March in the seventh year of his Lordship's Dominion Annoque Domini 1758:

Present

His Excellency Horatio Sharpe Esq: Governor.

The honourable Benjⁿ Tasker Esq: Col: Cha^s Hammond,
and Col: Benj: Tasker.

Lib. J. R. Ordered by his Excellency the Governor with the Advice
& U. S. of this Board that the present General Assembly be pro-
rogued to Friday the 24th of this Instant March, and Procla-
mations issued accordingly.

24.. March 1758.. Present as Yesterday except Col:
Hammond.

Ordered by his Excellency the Governor with the Advice
of this Board that the present General Assembly, which
was this Day to have met be further prorogued to Saturday
the 25th of this Instant, and Proclamation issued accordingly.

25: March 1758: Present.

The honble Benj: Tasker Esq. Saml. Chamberlaine Esq:
Col: Tasker, Col: Hammond & Bend^t Calvert Esq^r

Ordered by his Excellency the Governor with the Advice
of this Board, that the present General Assembly, which
was this Day to have met be further prorogued to Monday
the 27th of this Instant and Proclamations issued accordingly.

27th March 1758.. Present as on the 25th

Ordered by his Excellency the Governor with the Advice
of this Board, that the present General Assembly which
was this Day to have met be further prorogued to Tuesday
the 28.. of this Instant and proclamation issued accordingly.

At a Meeting held with the Indians, in the Council Cham-
ber at the City of Annapolis on Tuesday the 28th Day of
March in the seventh year of his Lordships Dominion, Anno-
que Domini 1758..

Present

His Excellency Horatio Sharpe Esq: Governor

The honourable	{	Benjamin Tasker Esq ^r	{	Sam: Chamberlaine
		Col: Charles Hammond		Esq. Col: Tasker—Ben ^t Calvert Esq.

p. 229	{	Utossite, Round O.	{	Choconunto	{	Territehe
		Chesquoterone, or		Unnecunowe		Skyouker
		yellow Bird		Kealhuinecay,		Keyhearke.
		Cumunto Chiskyowe		black Dog		Round O's Daur
		Chesquoterone				

The Speaker and the Lower House of Assembly desire to
be present at this Meeting who are accordingly admitted.

The chief Indian Utossite, by an Interpreter, addressed himself to the Governor as follows: Lib. J. R.
& U. S.

Brother. I have had good Dreams; this is the Day that was appointed for our Meeting: I am glad to see so many Gentlemen present to hear what I have to say; I hope that you also have had good Dreams, and are pleased to see us here.

King George owns us for his Children as well as the white People, he desires that we should be as Brethren and that we should stand by one another; We have no other Design in coming hither at this time than to assist our Brothers the English.

Some of our young Warriors came to you last Spring and met with Encouragem^t they had Rewards given them, and were well satisfied after they returned I was sent for by old Hop our Chief, when I went to him he bid me go and see the Gov^r his Brother, that had sent him the Belt, and assured me that I should find him a good Friend to us.

Our young Men would readily come hither to fight and assist the English if they could get wherewithal to maintain their Wives and Children, while they stay at Home they can maintain them by hunting, and we indeed had no Occasion to come from Home for the War is not our's but yours; the Presents that we may have for our Services are not so much as we could have got by Hunting, but if we can get near as much by coming to fight for our Brothers as we could by staying at Home we would rather come and assist them.

We have been here some Time but have hitherto done little Service the Badness of the Weather hath prevented our going out lately to look after the Enemy.

We did not know before last Spring that we should go out to War, nor did we know even then whither we were to go, but now we have discovered the Enemy's Country we shall come in great Numbers and cut them off.

Those that are at Fort Frederick have already been out, p. 230
but the Man above did not order it so that they should meet with the Enemy however we hope that he prevented their falling in with them at that Time only that he might put a greater Number of them into our Power hereafter, and altho' our People returned without Success yet their Brothers on the Frontiers welcomed them back said they were glad to see that they were all returned safe, and promised them next Time to go out to War with them.

Tho a few only of our People have been hitherto in these Parts, the French & their Indians are so much terrified that

Lib. J. R. little Mischief has been done by them for some Time, but
& U. S. now so many of us are here they will not dare to any, we
will stand between the English and their Enemies and secure
our Brothers from Danger, to confirm this Promise I give
you this black Wampum, and that my Brother might know
I am well satisfied with the Reception and Treatment I have
met with in this Town which I consider as my own, I present
you with this white Wampum.

gave a String.

Brother..

This Painting of my Mouth with Black, denotes that I am
determined to go out immediately to War, and shews that I
shall not return without Scalps.

You are our elder Brothers we hope you will give us such
Things as the French give their Indians some silver Ware to
put on our Arms, some Wampum and some Kettles, we do
not desire such Cloaths as white People wear but Cloaths
we do want for we are naked, we do not beg, it is a Shame to
do so, but we ask of you as younger Brothers, we desire you
will treat us as such, and consider that we are brave and
good Warriors, which gives us a Right to ask and to expect
something from you, and we once more remind you that we
have been a good while from Home and that we could have
remained there in Quiet.

For my own Part I have been a true Friend to the English
ever since I was a Boy, I cannot endure the Thoughts of a
Frenchman, or any in their Interest this Medal (shewing
one) and these Commissions will shew you that I am es-
teemed as such and as a person of Consequence both in
Carolina and Virginia, and this Letter will shew you that
when Judge Friend returned home from Winchester last
year and expressed great Displeasure because some of our
People were imprisoned there, and would have dissuaded all
of us from coming hither I would not pay any Regard to him,
nor give any Credit to his Representations.

p. 231 At a second Meeting held with the Indians in the Council
Chamber at the City of Annapolis on Thursday the 30th Day
of March in the seventh year of his Lordship's Dominion
Annoq Domini 1758..

Present as before.

His Excellency is pleased to make the following Speech to
the Indians.

Brother,

In a Letter that I sent to Fort Frederick about three
Months ago I told Cunnetocheskyowe that it had pleased our

Father King George to appoint the honourable M^r Atkin to be his Chief Agent and Superintendant of Indian Affairs in the Southern District of America, and to be a Mouth as it were between you and your Brethren the English, that all the Presents which should be made to you thence forward were to pass tho' the Hands of M^r Atkin or his Deputy and that you were not to regard any Thing but what they should say to you, or that should come to you under their Seal; I also told Cunnetocheskyowe and the Party of Cherokees which were then and are still at Fort Frederick, that the Governors were to attend to the Affairs of the white People only, and not to concern themselves with the Indians at all farther than to take Care that they should be supplied with Provisions whenever they should come into either of the Provinces. This being the Case I cannot suppose you would have come hither if your Emperor Old Hop had not before you left Home directed you to go and see the Governor that had sent him a Belt, or that you would have come farther down the Country than Fort Frederick, since that is the Place where M^r Atkin has ordered all Presents to be delivered that may be given to such of the Cherokees as shall at any Time come to assist their Brethren the Inhabitants of Maryland, however since you are come to this Place, I heartily bid you welcome, and I hope you are well pleased with the Reception you have met with.

Brother. My Ears were open when you told me that as you came from home to assist the English it was reasonable that you should be supplied with Cloaths, Kettles, and other Necessaries by your elder Brothers to whose Assistance you came, since you could have supplied yourselves, and Families with them by hunting if you had not come from home, I agree that if you assist us you may reasonably expect some Reward, it is the order of the King our Father that you should be rewarded for your Services, and you may be assured that a large Present will be given to you immediately on your Return to Fort Frederick, where M^r Gist, M^r Atkins Deputy will attend on Purpose to see it delivered, there will be Kettles Match Coats, Shirts, Leggings, Ribbons, Wampum, Vermilion, Brochetts, Bed Lace, Looking Glasses, some Callico for your Women, and some silver Arm Bands for those that are the greatest Warriors, these Goods you will surely receive, immediately on your Return to Fort Frederick, where (as I have already told you) M^r Atkins has ordered all Presents to be delivered that may at any time be provided for such Parties of your People as shall come to assist their Brethren of this Province I hope what I have now said is

Lib. J. R.
& U. S.

Lib. J. R. agreeable to you, to confirm my Words I give you this String
& U. S. of Wampum.

Brother. Since you have been here I have received a Letter from Brigadier General Forbes, one of King George's beloved Men and a great Warrior who has great Power and Authority in these Parts, in which he tells me that he intends to be at Fort Frederick about a Month hence, with a great Number of Soldiers, and a Train of Artillery, and that he will proceed soon afterwards towards Fort du Quesne in Order to destroy that Place the Professions which you made to me the other Day, and which I advised him of, induce him to hope that you will readily assist him on this occasion and act as becomes a brave People and sincere Friends to the English. I expect to be at Fort Frederick myself, with the great Man whom I have mentioned, and I shall be glad to see you there at my Arrival, in the mean Time I hope you will keep a watchful Eye on the Enemy, and prevent their coming near the Inhabitants, I should be also very glad if a Party of you would go out to the Ohio after you have received the Present at Fort Frederick, and bring back a French Prisoner that we may learn from him how strong the Enemy are, and come at the Knowledge of some other Matters that we want to be acquainted with.

Brother. I would have you think of what I have now said and give me an Answer before you leave this Town, that I may write to the great Warrior, and let him know what Assistance he might depend on from his Brethren of the Cherokee Nation, and whether you will be ready to join him at the Time appointed.

p. 232 At another Meeting held with the Indians in the Council Chamber at the City of Annapolis on Tuesday the fourth Day of April in the seventh Year of his Lordship's Dominion Annoq Domini 1758:

Present as before, and Daniel Dulany Esq^r

The chief Indian Utossite by an Interpreter addressed himself to the Governor as follows:

Brother: We have been here a long Time, and are now desirous of returning to Fort Frederick and are come to take our Leave, we are well pleased with our Entertainment, we have been kindly used, you have acted by us like Brothers and we will acquaint our Nation.

We came hither on purpose to assist the English, and will send out some of our young Men as you desire to go up to

Fort du Quesne to discover the Strength of the Enemy, and Lib. J. R.
doubt not but we shall be able to take a French Prisoner and & U. S.
bring him in to you.

I hope to see the great Man you mentioned to me, and when he comes to Fort Frederick we will go out to War with him, and will behave like true Friends and Brothers to the English we don't know how many Cherokees will be upon the Frontiers this Spring.

Brother. I have heard M^r Atkins is appointed by King George to distribute the Presents given to the Indians, we thank you for the Presents given to us, and hope M^r Atkins will be wrote to, to give us proper Presents.

The Governor tells Utossite he approves of his Resolution to send out some of his young Men, wishes him a good Journey, and hopes to see him with King George's great Man at Fort Frederick.

At a Council held at the City of Annapolis on Friday the 31st Day of March in the seventh year of his Lordship's Dominion Annoque Domini 1758..

Present

	His Excellency Horatio Sharpe Esq. Governor	
The honourable	{ Benjamin Tasker Esq. Col: Charles Hammond Samuel Chamberlaine Esq.	Col: Benj ⁿ Tasker
		Benedict Calvert Esq.

Read the following Petition.

p. 233

To his Excellency Horatio Sharpe Esq^r Governor of Maryland, and the honourable his Lordship's Council.

The Petition of John Eccleston humbly sheweth, that on or about the 17th of March last that your Petitioner on Chester River had fully laden the Schooner Defiance, Andrew Mills Master with 19: Hogsheads of Tobacco, which was intended to be put on Board the Ship New Cunliffe Samuel Matthews Master lying at Oxford, but in the Vessels Voyage from Chester River was met with in the Bay on the 20th of March last and brought to Annapolis, the Tobacco landed, and the Vessel obliged to take in his Majesty's Soldiers, and the same deliver at George Town in Kent County, such was the Consequence of the Delay that before the Vessel could take the Tobacco in again and carry on Board the Ship New Cunliffe, the said Ship was cleared out, and soon after an Embargo was laid. Your petitioner humbly prays he may

Lib. J. R. still be permitted to put the said 19.. Hogsheads on Board
& U. S. the Ship New Cunliffe and that such Direction may be given
to the Collector and Naval Officer, as your Excellency shall
think needful and your Petitioner shall ever pray &c..

1st April 1758: Upon reading the said Petition it is
ordered that the Collector and Naval Officer of the Port of
Oxford permit the same Tobacco to be shipped on Board the
said Ship New Cunliffe, by a Post Entry.

At a Council held at the City of Annapolis on Tuesday
the eleventh of April in the seventh year of his Lordship's
Dominion, Annoq Domini 1758.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable	{	Benjamin Tasker Esq ^r	{	Col: Henry
		Samuel Chamberlaine		Col: William Goldsbor-
		Esq.		ough
		Col: Benj ⁿ Tasker		Daniel Dulany Esq:
		Richard Lee Esq.		

Read the Petition of Christie of Baltimore County.
Upon reading the said Petition wherein it is set forth, that
the Petitioner has sold to M^r Clarke, one of the Agents
appointed to victual his Majesty's Forces, a large Quantity
of Pork which now lies in Virginia, and the said
p. 234 Christie having by his Petition prayed Permission for the
Sloop Betsey of the Burthen of ab^t thirty four Tons to go
to Virginia, and fetch Part of the aforesaid Pork; It is the
Advice of this Board, and his Excellency is pleased to order
that the Officers of the Customs on the River Potowmack
do clear out for Virginia the said Sloop called, the Betsey
John M^cCaul Master, any former Order to the Contrary
notwithstanding.

Read the Petition of John Hall of Baltimore County.
Upon reading the said Petition wherein it is set forth that
the Petitioner has a Vessel loaden with Pig and Bar Iron for
the Province of Virginia, and having by his Petition prayed
Permission for the Sloop James of the Burthen of twenty five
Tons to go to Virginia, it is the Advice of this Board that
the Officers of the Customs of the City of Annapolis do clear
out for Virginia the said Sloop called the James Michael
Webster Master, any former Order to the Contrary not-
withstanding.

At a Council held at the City of Annapolis on Saturday the 15th Day of April in the seventh year of his Lordship's Dominion Annoque Domini 1758.. Lib. J. R
& U. S.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable	{	Samuel Chamberlaine	} Col: William Goldsbor-	
		Esq.		ough
		Col: Benjamin Tasker		Col: Rob ^t Jenckins
		Richard Lee Esq.		Henry Daniel Dulany Esq.

His Excellency is pleased to lay before this Board the foll^g Letters.

Cecil County Maryland 4th March 1758..

May it please your Excellency.

We have received M^r Ross's Letters with a Copy of a Remonstrance preferred to your Excellency ag^t our Conduct as Justices of the peace. We in most humble manner return you our hearty Thanks for the Justice and Favour your Excellency has been pleased to do us in giving us an opportunity to answer to the Charge exhibited against us, we must acknowledge that a Remonstrance of that Nature might have justly influenced your Excellency to have proceeded ag^t us in a different Manner.

p. 235

We beg Leave to inform your Excellency that we have had the Honour to be in the Commission of the Peace for this County twenty odd years, and have the Satisfaction to say that in all that Time, neither the Force of Parties, or the many Changes which have happened in that Course of years, never produced any Charge against us, tho' we readily acknowledge if those Facts now exhibited were true the Rectitude of our former Conduct would not excuse us.

Therefore we jointly do and each of us doth for himself deny the Truth of all and every Matter and Things charged in the Remonstrance aforesaid, excepting Error in Judgment to which the best of Men may be liable, and we are induced to hope it will appear so on your Excellency's Examination thereof.

Your Excellency's most obliged humble Servants.

John Veazey. P.. Bayard.

May it please your Excellency

We beg Leave to let your Excellency know that in obedience to your order we are now in Town and will agreeable to Summons attend your Excellency at the Council Board but

Lib. J. R. are by no Means inclinable to be considered as a Party in the
 & U. S. Affair, not having done more than informed your Excellency
 of the Behaviour of the Col^s Veazey and Bayard as Justices
 and expect to satisfy your Excellency of the Truth of the
 Facts they are charged with; as we are no ways interested
 in the Matter have not applied for Summons's to sundry
 Persons by whom the several Matters might be farther illus-
 trated, nor have applied to any Council to enforce our Testi-
 mony: tho' we are credibly informed that those Gentlemen
 have not only procured Subpenas' from the Provincial Court
 for a Number of Persons to testify as against us, but also
 employed Council; we therefore humbly hope, as the Affair
 depends on Facts, that no Council will be allowed to appear
 for the said Col^s Veazey and Bayard, more than for, your
 most obedient humble Servants.

W^m Thornton. Sidney George. Geo: Read. Cha^s Gordon.
 G.. Milligan Francis Key. Geo: Catto. Benjⁿ Moody. Beale
 Borley. James Baxter.

Annapolis Apr. 15. 1758:—

p. 236 The Parties complaining of the Behaviour of Col^s Veazey
 and Col: Bayard as Magistrates of Cecil County, and the
 said Col^s Veazey and Bayard attending according to Sum-
 mons of this Board were called in, and the Remonstrance
 preferred the 25th January last was read. the Parties com-
 plaining were heard in Support of the said Remonstrance,
 and the Def^{ts} were heard by Council in their Justification,
 and several Witnesses examined, and they were then ordered
 to withdraw.

The Members of the Council declared their Opinion to his
 Excellency as follows.

To his Excellency Horatio Sharpe Esq: Governor of
 Maryland.

Your Excellency having been pleased to do us the Honour
 to require our Assistance in an Enquiry into the Conduct of
 Col: Veazey and Bayard Justices of Cecil County in Respect
 of the Matters contained in a Remonstrance signed by several
 of the Inhabitants of that County and addressed to your
 Excellency, we beg Leave to report with due Deference to
 your Excellency, the Facts which appeared to us to be proved
 in the Course of a long Examination of Witnesses and other
 Evidence and after having heard Council thereto who at-
 tended on the Behalf of the said Magistrates.

1st It was clearly proved that Col: Bayard certified the
 Probate of an Account, the Caption whereof he antedated,

and thereby instead of making it bear Date in 1753.. the Time when the Certificate was wrote, giving it a Date in 1752: The Effect of this antedating would have been (had it not been discovered) that the Account would have been legal Evidence, by appearing to have been proved in Time, tho' in Fact had the Certificate been dated upon the Day and Year when given it could not have been given in Evidence.

Lib. J. R.
& U. S.

2^{dly} It appeared in Evidence that Col: Bayard certified as a Magistrate the Acknowledgment of two Deeds taken to himself in which he was a Party, and that the same were recorded by his Order, but it did not appear to us that the Effect mentioned in the Remonstrance did actually happen.

3^{dly} The Charge of Col: Bayards' having upon a summary Trial ordered a Freeman to be whip'd for a Felony appeared to us to be without Foundation.

4^{thly} It appeared in Evidence that Col: Bayard being desirous to be appointed Guardian to an Orphan, solicited a Magistrate in a private Way for his Countenance when the Matter should come before him judicially. it further appeared by the Testimony of one Witness that after the Court was adjourned and Proclamation had been made thereof, and when all the other Magistrates had left the Court, except Col^s Veazey and Bayard, or Col^s Veazey Bayard and one other Magistrate, the Deputy Clerk was ordered by the said Magistrates to make an Entry upon the Proceedings of the Court that Col: Bayard was appointed Guardian to the Orphan. this was also proved by the Clerk of the County Court, except as to the Circumstance of the Adjournments having been first proclaimed of which he was doubtful it also appeared by the Clerks' Proceedings that the Adjournment had been entered before the Appointment and that it had been afterwards struck out, and again entred after the Appointment; it further appeared that upon Complaint being made of this Proceeding by a Magistrate of the Court to Col: Veazey he promised to speak to Col. Bayard to have it rectified and that the Entry of the Appointment was afterwards struck out accordingly by the private Order of the said Col^s Veazey and Bayard. p. 237

We beg Leave to observe to your Excellency that the Conduct of the Magistrates in ordering the Entry of the Appointment to be struck out privately leaves no Room to doubt but that their Behaviour had been before irregular, or if there could be supposed to be a proper Authority to make the Entry of the Appointment at first, Col^s Veazey and Bayard had no Authority to order it afterwards to be struck out in a private Manner.

Lib. J. R. 5^{thly} It was proved that Col. Veazey in one Instance de-
& U. S. clared the Opinion of the Court differently from the Sense
of the Majority, as it appeared afterwards from the opinions
they delivered seriatim, but we beg Leave to observe to your
Excellency that from the usual Manner of collecting the
opinions of the Magistrates, this might easily have proceeded
from Mistake, and it appeared by no Evidence, that it was
done by Design.

6^{thly} It was proved that after a Matter of Law had been
debated, and there had been an equal Division of the Magis-
trates, and it was ordered to be again argued the next Day,
Col^s Veazey and Bayard after the Departure of the other
Magistrates (except one) ordered Judgment to be entred in
the Evening but that an Attorney on the other Side being
present interposed, and prevented an Entry of the Judgment.

7^{thly} It did not appear to us by proper Proofs, that there
is a good Foundation for the Charge ag^t Col^s Veazey and
Bayard hearing Causes ex partè out of Doors, and after-
wards using their Influence in Court for the party whose
Cause they had espoused, and we think that they ought not
to be affected by the Directions, which Lawyers may have
received from their Clients.

8^{thly} and lastly the very general Charge of their having
acted inhumanly, partially, and from private Views, we shall
p. 238 take no Notice of to your Excellency as the Magistrates
can't be supposed to have had a sufficient opportunity of
justifying their Conduct in the Instances to which the Evi-
dence was applied under this Article.

Upon the whole it is the Opinion of this Board that Col:
Bayard has in many Instances misbehaved in his Office, and
that Col: Veazey in the Instances mentioned under the 4th
and 6th Articles did not behave with the Discretion and
Impartiality a Magistrate ought to observe in the Execution
of his Office and that particularly in the Matter mentioned
under the 4th Head, his Misbehaviour seems to have pro-
ceeded from a very partial Regard to Col: Bayard but with
due Deference it is submitted to your Excellency.

Samuel Chamberlaine, Benjamin Tasker jun: Rich^d Lee
W^m Goldsborough Rob^t Jenckins Henry. Daniel Dulany,
15th April 1758.

At a Council held at the City of Annapolis on Friday the 21st Day of April in the seventh year of his Lordship's Dominion Annoque Domini 1758: Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq: Governor.

The honourable	{	Col: Charles Hammond	{	Benedict Calvert Esqr
		Samuel Chamberlaine		Col: Rob ^t J: Henry
		Esq.		Col: William Goldsbor-
		Col: Edward Lloyd		ough
		Col: Benjamin Tasker		Daniel Dulany Esq ^r
		Richard Lee Esq ^r		

His Excellency is pleased to lay before this Board the following Letters which being read are ordered to be entred.

Williamsburgh March 25th 1758:

Sir

Your Excellency's Letter of the 25th of February with the Depositions taken on Col: Cresap's Complaint came to my Hands four Days ago. The Council being convened on M^r Secretary Pitts Letter of December 30th I laid yours' before them they were willing to have Justice done to Col: Cresap, but apprehended considerable Difficulties to get it done in time for a Trial in your Provincial Court on the 11th of April as they are at a great Distance from hence and no opportunity of sending a Writ soon, without the Charge of an Express, and the Hazard of sending them in Time, and if apprehended they must be confined 'till I can advertise with Certainty when and where they may be delivered to an Officer that you shall send to receive them, and they were of Opinion that we could not bind the Witnesses to appear at your Court but that Col: Cresap must engage them to be willing to go. I have since advised with our Attorney General, and some other of our Lawyers, who on reading the Depositions I find are of opinion there is no Proof of their breaking the House; As much is lost, and what they took is but of little Worth it is probable it had been rifled before they came there, and they think he had better punish their Purses, for that they could not on those Depositions be convicted capitally, or that it would be too severe for the Offence, I hope Col: Cresap will reconsider it, and let me hear again how he thinks I may serve him in it, for I am desirous to do him Justice.

I am Sir your most obedient humble Servant.

John Blair.

Lib. J. R.
& U. S. S^r

Williamsburgh March 26th 1758..

After I had sent away my Letter to the Post Office, I recollected the inclosed Complaint against Captain Pearis which, as he is an Officer in your Governm^t the Council advised the sending it to your Excellency, not doubting you will take a proper Notice of it as it may in its Consequences be very fatal; and they fear there may be too much Truth in it.

Major Smith is here waiting the Meeting of our Assembly on Thursday next to lay his Scheme of destroying our Enemies the Shawnese, and bringing several Nations of Indians to our Interest. he thinks he can easily raise a thousand Voluntiers to follow him, if our Assembly will encourage it, and that it would be no difficult Matter to destroy Fort du Quesne. Captain Bossomworth is likewise here in his Way to the Cherokees to assist Col: Byrd in bringing in a large Body of them being sent by Lord Loudoun.

I am with great Respect your Excellency's most hble &
most obed^t Servant.

John Blair.

p. 240 Memorandums relating to Warrior Kilee unaka who came from Fort Cumberland February 1758..

On Sunday the 19th in the Afternoon the three Warriors Chesiatorone Curmuro, to kesky, Ow, & Kila Unaka desired to hold Council with the Commanding Officer and the other Gentlemen at Fort Frederick, and after the Gentlemen were met.

Chesiaterona said Kela Unaka who had come from Fort Cumberland had informed him that Captain Pearris had desired him to go down to the Governor and he said if they did not they would not receive any Presents, that Letters had come to Fort Cumberland from M^r Atkins directing that they should receive nothing but Trifles, and Captain Pearris asked him if Smith the Interpreter had not a red laced Jacket, Kila Unaka said yes; then Captain Pearris said M^r Atkins gave it to him to tell Lies for him, and that Captain Pearris said you saw what Presents I got for War-hatchatea, but now you get Nothing, you have no Body to take Care of you, are the Shirts you have on fit for Warriors, and have you Leggings? that they desired to go down and see the Governor, and desired to know what the Commanding Officer had to say about their going.

Lieu^t Shelby was present, and told the Company that he imagined that what the Indians said was false, for that

Captain Pearris always had refused so much as to speak to the Indians unless he was sent for by Capt: Dagworthy for that Purpose: Lib. J. R.
& U. S.

The Indians were told that it seemed a Matter that would require Thought and they were invited to Council next Day in the Afternoon when they would receive an Answer.

Accordingly the three Warriors came to Council on Monday Afternoon, and what they had said the Day before was repeated to them, and they were asked if that was not the Substance of what they were now come to Council upon, and Chesiaterona said it was.

Then they were told that they must remember well what had been so frequently repeated to them, that the honourable M^r Atkin was appointed by our great Father King George to take Care of our Brethren the Cherokees. and all the Southern Indians, and that the Rewards for their Services passed thro' his Hands that they might not be imposed on, that the Governor himself had wrote them this Truth, that his Letter had been twice read to them formerly but that if they pleased it should be explained to them again. p. 241

Chesiaterona replied that there was no Occasion for reading the Letter again they remembered it very well. then they were told that the Reason why the Letter was mentioned again was that we apprehended that Kila Unaka had mistaken what Captain Pearris had said to him, for as Captain Pearris himself knew that M^r Atkin, or Captain Gist for him, had the sole Management of these Affairs that it must be owing to some Misapprehension of the Conversation that Kila Unaka had with Captain Pearris, and we would say no more till they should again ask him relating to it.

They did, and Kila Unaka said he was not mistaken, and repeated many of the Particulars again.

Chesiaterona was requested to ask him if it was private Conversation betwixt Kila Unaka, and Captain Pearris, or if any other of the Indians were present and heard them talk so.

He replied that the Conversation was in Council the Night before they left Fort Cumberland.

Lieut Shelby said that it could not be Truth for he was in Company that Night with Captain Pearris, & he did not part with him 'till late, and he believed Captain Pearris went immediately to Bed.

Then Chesiaterona, was desired to ask Kela Unaka, what time Cap^t Pearris came into the Council, he replied he did not know it was very late in the Night, that he believes Captain Pearris was but just come to the Council before he was

Lib. J. R. sent for, and that Captain Pearris staid with them 'till Cock
& U. S. Crow, Kela Unaka said he was sure Captain Pearris would
not deny what he told now for it was in Council with the
other Indians, and that Captain Pearris said Captain Dag-
worthy had received the Letter from M^r Atkins the Night
before they held the Council forbidding him to give them, any
p. 242 Presents but only Trifles, and that at first he refused to
come down for he was sick, but that Captain Pearis per-
suaded him to come down with M^r Shelby.

Lieutenant Shelby then said that Captain Pearris told him
that Kela Unaka desired him to apply to M^r Shelby to carry
him down the Country with him and that M^r Shelby might
use his Interest with M^r Smith the Interpreter to go down
with him and that Captain Pearris told him that Kela Unaka
also wanted to see the Governor, and that M^r Shelby prom-
ised to furnish him with a Horse from Fort Frederick, but
that Captain Pearis did not mention any thing to him of his
going about Presents or Business, but Captain Pearris said
he would write to M^r Smith to go down and interpret for
them.

When this was explained to Kela Unaka he was very
uneasy that we should suspect him of Lies, and said he never
applied to Captain Pearris it was he who applied to him he
would go back again to Fort Cumberland, and wo^d ask Capt.
Pearris about it to his Face, and for the Letter he said Cap-
tain Dagworthy had received from M^r Atkins he would see it.

Chesiaterona smild, and said if Captain Pearris designed
to tell them Truth that he had no Occasion to hide it from
M^r Shelby.

They were then told if they were in any Doubt of what
had been told them that they might go down to the Governor
and hear the Truth from his own Lips but that as they knew
that Captain Gist expected a great Number of Southern
Indians to Winchester M^r Smith the Interpreter might be
wanted, and that he could not go down with them to the
Governor 'till he had gone to Captain Gist for Leave, but that
he should go next Morning and would return again next Day
if Capt. Gist was returned from the South Branch.

Chesiaterona after consulting a little with Cannunto Kis-
kiaw said they were satisfied, and had now no Thoughts
of going to the Governors.

On Tuesday Morning the 21st M^r Smith told the Com-
manding Officer that the Indians still seemed very uneasy,
and that they had been talking to him last Night of still going
down to the Governors, and the three Warriors were sent
for and told, that now they had slept a Night on what was

said we wanted to know their Hearts if they were not satisfied M^r Smith should be sent to Captain Gist for to get Leave to go down with them

Lib. J. R.
& U. S.

Chesiaterona said that they the three Warriors had an Inclination to go down and see the Governor and that they would send two of the Indians along with M^r Smith to Winchester that he might get Leave from M^r Gist to go down with them. p. 243

Officers present in the above Council Viz^t Capt: Alex^r Bealle, Capt. Joshua Bealle, Capt. Francis Ware, Lieu^t Stoddart Lieu^t Henry Prather. Lieu^t Mac Nab, Lieu^t Somerville, Lieu^t Bealle, Ensign Harrison, Lieu^t Baker of the Virginia Regim^t Col Prather, Captain Casson David Ross, and several others.

We affirm the above to be a true Copy of the Proceedings of said Council.

Thomas Bullitt. Chr: Gist. Deputy
Agent for Indian Affairs.

Honourable Sir

Inclosed is a Copy of the Proceedings of a Congress held with some Cherokee Warriors at Fort Frederick in Maryland by which Captain Pearris is fortunately detected in an Affair that had the Gentleman succeeded, in all Probability would have been of ill Consequences, it is obvious his first Step is to inflame the Indians against their Interpreter, and if he does but succeed in that, so as to get himself employed in that Character, which must be the Case, provided his Insinuations once get Credit amongst the Indians for they'll not suffer any Person whom they imagine to be a Liar in their Councils, and Pearris is the only Man in these Parts, that can speak their Language, this would give the Gentleman full Scope to execute such Schemes as he may have. (his frequent Access to them) which from this Gentleman's Character it may be imagined to be such as will not be advantageous to his Majesty's Service, and what is a convincing Reason for it, is the ill Consequences attending the small Progress he hath already made in his Attempts. For lately arrived the Round O Warrior of the Cherokee Nation (who is one of their first Rank) after having reconnoitred great Part of the Ohio, from against their Settlements up to Fort du Quesne, and lain out with his Party in that Country since September last, came in with Advice that he imagined some Parties of French and Indians was on their Way down to annoy our Settlements upon which I ordered out Parties of the Indians that hath continued with us this Winter in Order to discover

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& U. S.
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the Motion of the Enemy if any; they not readily complying with my Directions, I enquired into their Reasons for so doing, and was made to understand that from what Captain Pearris had informed them they were not under any Certainty of being recompenced for their Services, from this it is too clear Pearris's Insinuations hath biassed the good Intentions of those Indians amongst us, to our Service, and make no Doubt if he gets Access to this Body of Indians we daily expect to our Assistance, but the Consequences will more affectingly be seen, which certainly will be the Case if Pearris is continued at his present Station at Fort Cumberland by which there is the greatest Probability of our Indians passing in their Way out.

I should have address'd the above to Governor Sharpe it being one of his Officers but thought it consistent with my Duty to acquaint you of such Practices, and at the same Time being well assured, provided it was thought proper by the Gentlemen who are at the Helm of Affairs for this Colony to apply to Governor Sharpe in Order to have them redressed, that from them it would carry its proper Weight. I shall conclude with doing myself the Honour to subscribe, your most obedient humble Servant

Tho^s Bullitt.

Fort Loudon March 2^d 1758:

To his Excellency Horatio Sharpe Esq^r and the honourable Gentlemen of the Council.

The humble Petition of Mary Ann March, most humbly sheweth.

After the Seperation between my Husband and me, I sued according to Law for a Maintenance, the Court of Chancery was pleased to order me to return to my Husband, in Obedience to the honourable Court I did; he immediately answered that he never would cohabit help or maintain me and as I am advanced in years and scarce any other Ways or Means to support me but by the Tuition of Children, nay, that even I am deprived of. The County will not allow me any Thing, because my Husband is living, therefore I most humbly pray your Honours will take it into your wise Considerations to enable me to get a Living, and in Duty bound while Life remains,

shall pray Mary Ann March.

At a Council held at the City of Annapolis on Monday the first Day of May in the eighth Year of his Lordship's Dominion Annoque Domini 1758. Lib. J. R.
& U. S.
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Present

His Excellency Horatio Sharpe Esq: Governor.

The honourable	{	Benjamin Tasker Esq.	}	Richard Lee Esq ^r
		Col Charles Hammond		Benedict Calvert Esq ^r
		Samuel Chamberlaine		Daniel Dulany Esq.
		Esq. Col. Benjamin Tasker		

Read Capt: Brown's Certificate of Return to M^r William Ringgold as follows.

I do hereby certify by Virtue of an Act of Assembly, entitled, An Act for the ordering and regulating the Militia of this Province for the better Defence and Security thereof, that the following Persons being enlisted Soldiers in my Company of Kent County was by me commanded to appear on the nineteenth Day of February last and serve in Arms for the necessary Defence of the Province, against the Invasion of the French and their Indian Allies in this Time of open War, I having received orders to march to the Western Frontiers of this Province with my said Company, and notwithstanding such my Command Thomas Honour, Thomas Bryant, John Edmonson, James Poole, John Rosser, John Glassford, John Deale, James Cully John Williams Constable, George Brown a Boatman, Charles Welding junior Isaac Allwinkle, James Underhill, Edmund Carter Merchant, William Coburne Thomas Kennard, James Kull, Stephen Roe, Benjamin Greenwood, Bartholomew Haven, Samuel Tansey, John Hicks junior David Wood Edward Swaney, James Price, Timothy Course, James Price junior John Redding, and James Jackson, hath obstinately refused to or will not appear and serve in Arms for the necessary Defence of this Province against the Invasion of our said Enemies contrary to the Form of the Act of Assembly aforesaid, and the following Persons are those who from my own Knowledge are too infirm to march, being disordered by Pleurisies Fluxes, very bad sore Legs &c.. viz^t Joseph Brisco, Roger Hails, James Noble, George Dent, John Gale junior, Peter Cole, Jonathan Turner, William Briscoe Philip Ricketts, James Trulock, James Kelly, George Norris, Abraham Porter, Rob^t Cill. In Testimony whereof I have hereunto set my Hand and affixed my Seal this first day of March 1758.. p. 246

Lib. J. R. & U. S.	To M ^r William Ringgold one of his Lordship's Justices of the Peace for Kent County, or to any other Justice of the Peace for said County.	}	Peregrine Brown [Seal] Captain of a Company of Militia of Kent County.
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Ordered that the following Letter be sent by the Clerk of this Board to the said M^r Ringgold.

Sir

His Excellency and the honourable Council desire you will inform them what Steps you have taken in Consequence of the Certificate that was sent to you by Captain Peregrine Browne the first of March last, whether you issued a Warrant or Warrants according to the Directions of the Act of Assembly, at what Time you issued them, and what Constable you charg'd with such Warrant or Warrants, whether all or any of the Persons named in the said Certificate have been yet brought before you, or carried before any other Magistrate, and what Excuse each of the Persons who were brought before you made for not marching in Obedience to Captain Browne's Order. it is expected that you will give his Excellency and their Honours an Answer without Delay

I am Sir &c..

At a Council held at the City of Annapolis on Monday the eighth Day of May in the eighth year of his Lordship's Dominion Annoq Domini 1758..

Present

p. 247 His Excellency Horatio Sharpe Esq^r Governor.

The honourable	{	Benjamin Tasker Esq ^r	}	Col: Benj ⁿ Tasker
		Col: Charles Hammond		Benedict Calvert Esq.
		Samuel Chamberlaine Esq ^r		Col: Henry Daniel Dulany Esq ^r
		Col: Edward Lloyd		

His Excellency is pleased to lay before this Board the following Letter.

May it please your Excellency and Honours.

Agreeable to your Desire intimated to me by John Ross Esq^r dated the first of this Instant and which came to Hand of the sixth in the Evening, that I should inform you what Steps I have taken in Consequence of the Certificate that was sent to me by Capt. Peregrine Brown the first of March last and whether I issued a Warrant or Warrants according to

the Directions of the Act of Assembly, at what Time I issued them, and what Constable I charged with them, whether all or any of the Persons named in the said Certificate have been yet brought before me or carried before any other Magistrate, and what Excuse each of the Persons that were brought before me, made for not marching in Obedience to Captain Brownes' Order, I give your Excellency and Honours the following Information, and Answer to every particular Quere. First. The Certificate mentioned to be sent me the first of March by Captain Browne & bears that Date, and of which you have a Copy herewith, never came to my Hands till Saturday the 11th of March between three and four o' the Clock in the Afternoon, at which Time it was delivered to me by M^r Samuel Budd and a Monday Morning following I made out a Warrant thereon directed to John Williams Constable of the Hundred wherein the People lived (of which you have herewith also a Copy) and sent the Warrant immediately by a Person to the said John Williams the Constable who delivered it to him before ten o' Clock that Day; that Warrant included all the persons that Captain Brown certified to me had obstinately refused to appear and serve in Arms except the Constable who is exempt by Law. the other Persons named in the said Certificate of whose Excuses Captain Brown thought proper to take upon himself to judge, as he did not certify to have obstinately refused, I thought I had no Authority to include in the Warrant, I did not hear any Thing more of the Matter 'till Saturday the twenty fifth of March when the said John Williams came to me during the Sitting of our County Court at Chester Town. and told me he had taken five or six of the Persons named in the Warrant I had sent him, and asked me if I could hear their Excuses, I told him the Court was sitting, and there was Justices enough in Town, if I left it to hold the Court but if they would appoint a day the next Week to come to my own House, I would attend, and they might bring their Witnesses if they had any, and I would hear the Matter, the People agreed on the next Saturday as most suitable, and by which Time they could be prepared, and accordingly on that Day being the first of April the Constable brought before me, James Hull, John Redding, Benjamin Greenwood, Thomas Bryant, George Brown, James Jackson, John Edmonson James Poole, and Thomas Honour, and I proceeded to hear their several Excuses, and their Proofs to support them, which I at that Time took Minutes of and are as follows.

James Hall proved by the Oath of a credible Witness that he was at the Time in a very ill State of Health, and had the Ague and Fever very bad so that he was not able to go and

Lib. J. R.
& U. S.

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Lib. J. R. do Service in such a State of Health, even in a mild Season
& U. S. of the year.

John Redding proved by the Oath of a credible Witness that at that Time he had hurt his Leg much and a Fever had fell into it, and it was inflamed to that Degree, that he could scarce stand upon it, and was intirely unable to do Duty.

Benjamin Greenwood proved by the Oath of two credible Witnesses that he was a Minor under Age as was his Brother, and both the Sons of a poor old distressed Widow who had no Body else but these two Sons for her whole Support to get her Firewood, feed her Stock, and take Care of her Affairs that she consented one of her Sons should go with Captain Browne but laid her Commands on the other to stay with her or she must perish as well as her Stock &c.. if they both went and left her, on which the other Son went and Benjamin stayed with his Mother.

Thomas Bryant proved by the Affirmation of a credible Witness, and his Countenance when before me shewed it, that he was constantly troubled with rheumatick Pains, and always on catching the least Cold was laid up in Bed, and that he was intirely unable to undertake the Service and is also a Man in years.

George Brown proved by the Oath of a credible Witness, that he had not been resident in the County but had followed the Sea and going up and down the Bay in a Shallop for above twelve Months before that Time, and that the Press Master had impressed both himself and his Shallop to carry Captain Browne's Men and Provisions over the Bay, and that he could not do both Services and that his Vessel was one of those that attempted to carry them over and he was in her during the Service he had been impressed to do.

James Jackson proved by the Oath of a credible Witness that he was very sickly and ailing at the Time, and from my own View of him, I can certifie that he was a weakly diminutive Creature, very unfit for such a Service, and has a very bad scald Head, which I myself view'd and found in a most miserable Condition, I think quite unfit for such a Service, besides such a Person must have been very offensive to the other Men.

John Edmonson proved by the Oath of a credible Witness, that he is constantly affected with the Rheumatism and was quite unable from his State of Health to undertake the Service and is a Man in years.

Thomas Honour proved by the Oath of a credible Witness that he was a very ailing Person with rheumatick Pains which he is subject to upon every Cold he catches, but that

before the Company marched he got something better, and resolved tho' he risked his Life, he would endeavour to go with the rest, and accordingly went with his Baggage on Board Edward Drugan's Vessel which was impressed to carry them, and staid some Time there waiting and ready to go 'till he heard they the rest were all gone in the other Vessels.

Lib. J. R.
& U. S.

James Poole proved by the Oath of a credible Witness, that he has been in a very ill State of Health for this eighteen Months past, and constantly subject to the Flux and fretting of the Bowels on every slight Cold he catches, and quite unfit for such a Service, and the said Poole declared that tho' he was conscious how unable he was to undergo such a Service, and that he expected he must lose his Life by the Attempt, yet being terrified with the Punishment he apprehended he should be made to suffer for his Refusal resolved to go with the rest and accordingly packed up his Baggage, and it was proved went with Thomas Honour on Board Edward Drugan's Vessel in Order to go. p. 249

The above are all the People in the said Warrant that the Constable then brought before me, he then said they were all he had been able to take I told him he ought to get the rest as soon as he could, since which he brought none before me, nor have I heard that he has carried any before any other Magistrate 'till last Saturday he brought John Hicks junior before me who desired Time to get Witnesses, and Time was given him till a further Day, the Sheriff was also present who arrested him on some civil Process and took him to Goal where he now is, I shall take Care and hear his Excuse soon, and if it does not appear sufficient will commit him, and shall take to charge the Constable to attend his Duty and get the rest as soon as he can.

Upon the above Excuses being made and proved to me, I in Conscience & on the best of my Judgment thought them sufficient, and that I ought not to commit the People, and I would beg Leave to observe to your Excellency & Honours that tho' all those People so brought before me had such sufft and reasonable Excuses, as my Duty obliged me to discharge them, yet as you were not made acquainted with the Reasons and only heard they were discharged it is not improbable I may appear in an unfavourable Light to your Excellency and Honours, and that you may suppose I have assumed Powers the Law did not give me, and have acted unjustifiably; But I hope notwithstanding when you receive this Account which is a very just one, of the Matter my Conduct will appear blameless, If I have not acted right it has

Lib. J. R. been at least honest and sincere, and upon the best of my
 & U. S. Judgment, and devoid of Partiality, or any other Motive but
 a determined Resolution to do my Duty as well in this, as
 every other Instance in the Execution of the Office I have
 borne, nor was it ever my opinion of the law tho' I have been
 inform'd Insinuations have been made to the Contrary, that
 I or any other Justice of the Peace had any judicial Power
 of determining the Right of the Officer to command the
 Militia to serve in Arms, or of their Refusal but that on the
 Return of the Certificate the Justice of the Peace was imme-
 diately (and merely ministerially and not judicially) to issue
 his Warrant and that on the Person so refusing to serve
 appearing before him he then was only to judge of the Reas-
 onableness or Sufficiency of the Person's Excuse for not
 doing that Duty he had been commanded by his Officer to do,
 which Excuse I never thought could include any Denial of
 the Right to give the Command but could only relate to the
 particular Circumstances attending the Man himself so re-
 fusing and his Affairs, and that if their particular Excuses
 had not appeared sufficient, and reasonable, I should not
 have made the least Hesitation, as I looked upon it to be my
 Duty to have committed them as the Law directs, or have
 bound them over in sufficient Security to answer, which I
 think the Law implicitly gives a Power to do, and did not
 intend to subject the Parties to the Charge and Pain of a
 Commitment to Prison if they had sufficient security ready,
 and so I shall act with the rest if brought before me. I
 beg Leave to subscribe myself your Excellency and Honours
 most obed^t and humble Servant.

May 8th 1758:

[Seal]

W^m Ringgold.

Whereas it is certified to me by Capt. Peregrine Brown Captain of the seventh Company of the Foot Militia of Kent County that there is now a foreign Invasion of the Province of Maryland, and that he hath commanded Thomas Honour, Thomas Bryant, John Edmonson, James Poole, John Rosser, John Glassford, John Deale, James Kulley, George Brown a Boatman, Charles Welding junior, Isaac Allwinkle, James Underhill, Edmund Carter Merchant, William Coburn, Thomas Kennard, James Hull, Stephen Roe, Benjamin Greenwood Bartholomew Haven, Samuel Tonsey, John Hicks jun: David Wood, Edward Swaney, James Price, Timothy Course, James Price jun: John Redding and James Jackson of the County aforesaid Farmers, who are inlisted Soldiers in his Company to appear and serve in Arms for the necessary Defence of this Province, and they have obstinately

refused to appear and serve in Arms as aforesaid, This is therefore to command you in his Lordship's Name to take and apprehend the said Thomas Honour, Thomas Bryant, John Edmonson, James Poole, John Rosser, John Glassford, John Deale, James Culley, George Brown a Boatman, Charles Welding junior, Isaac Allwinkle James Underhill, Edmund Cartey Merchant, William Coburne, Thomas Kennard, James Hull, Stephen Roe, Benjamin Greenwood, Bartholomew Haven, Samuel Tonsey, John Hicks junior, David Wood, Edward Swaney James Price, Timothy Corse, James Price jun^r John Redding, and James Jackson, and bring them before me, or some other Justice of the Peace for Kent County there to render a sufficient Excuse (if any they have) for such their Refusal, or Non appearance as aforesaid, and for so doing this shall be your sufficient Warrant, given under my Hand and Seal this 27th Day of March 1758:
To John Williams Constable. W^m Ringgold.

Lib. J. R.
& U. S.
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At a Council held at the City of Annapolis on Thursday the eleventh Day of May in the eighth Year of his Lordship's Dominion, Annoq Domini 1758:

Present

His Excellency Horatio Sharpe Esq: Governor.

The honourable	{	Benjamin Tasker Esq.	}	Benedict Calvert Esq ^r
		Samuel Chamberlaine		Col: Rob ^t T.. Henry
		Esq.		Daniel Dulany Esq ^r
		Col: Edward Lloyd		
		Col: Benjamin Tasker		

Read the following Petition.

To his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

The humble Petition of Thomas Ringgold of Kent County Sheweth.

That your Petitioner has a Schooner called the Chester, Burthen about forty Tons Thomas Palmer Master, now laden with three hundred and thirteen Barrels of Flour, forty eight Barrels of Bread, and eighteen half Barrels of Bread for the Colony of Virginia. Your Petitioner therefore humbly prays your Excellency's Permission for the said Vessel to go with her said Cargo to Virginia. And your Petitioner will pray &c..

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Tho^s Ringgold.

Lib. J. R. It is the Advice of this Board, and his Excellency is pleased
& U. S. to order accordingly that the Officers of the Customs clear
out the said Schooner Chester Thomas Palmer Master for
Virginia, he complying with all the Laws of this Province,
and behaving as he ought.

At a Council held at the City of Annapolis on Tuesday
the 16th Day of May in the eighth year of his Lordship's
Dominion Annoque Domini 1758..

Present

His Excellency Horatio Sharpe Esq^r Governor
The honourable Benjamin Tasker Esq^r Col: Edw^d Lloyd,
Col: Benjⁿ Tasker.

Ordered that the Clerk of this Board send the following
Letter to the several Officers of his Majesty's Customs within
this Province.

Sir.

The Governor having received a Letter from the hon-
ourable James Abercrombie Esq^r dated New York 8th of May
1758: desiring him to take off the Embargo on all Ships and
Vessels within this Province on Monday the 22^d Day of this
Instant May, you are therefore hereby permitted to clear out
any Ship or Vessel whatever within your District upon the
said Day, and not before, the Masters thereof complying with
all the Laws now in Force in this Province

I am &c..

At a Council held at the City of Annapolis on Tuesday
the 29th Day of May in the eighth Year of his Lordship's
Dominion Annoque Domini 1758:

Present

The { Benjamin Tasker Esq^r } Col: Benjamin Tasker
honourable { Col: Cha^s Hammond } Daniel Dulany Esq^r

p. 253 Upon General Forbes's Letter to the Governor of this
Province communicated by his Excellency to this Board
wherein the General requires such Arms of this Province
for his Majesty's Service, as can be spared, It is ordered
by this Board that Henry Walls, the Provincial Armourer
do deliver to the Order of his Excellency the Governor for
the Use aforesaid, such and so many of the Arms contained
in the 21: Chests, and delivered to the said Armourer by
Mr James Dick the 27th of May 1758.. as may thereby be

required the said Armourer taking a Receipt upon such Order for the same. Lib. J. R.
& U. S.

Ordered that the present General Assembly which stands prorogued to Monday the 24th Day of June next, be further prorogued to Monday the 24 Day of July next, and Proclamations issued accordingly.

At a Council held at the City of Annapolis Wednesday the fifth Day of July in the eighth year of his Lordship's Dominion Annoque Domini 1758.

Present

The { Benjamin Tasker Esq^r } Col: Benjamin Tasker
honourable { Col: Cha^s Hammond } Daniel Dulany Esq^r

Ordered that the present General Assembly of this Province which stands prorogued to Monday the 24th Day of this Instant be further prorogued to Tuesday the 29th Day of August next, and Proclamations issued accordingly

At a Council held at the City of Annapolis on Monday the seventh Day of August in the eighth year of his Lordship's Dominion Annoque Domini 1758.

Present

The { Benjamin Tasker Esq^r } Benedict Calvert Esq^r
honourable { Col: Charles Hammond }
 { Col: Benjamin Tasker } Daniel Dulany Esq^r

Read the following Letter from the Governor to the honourable Benjamin Tasker Esq^r

Fort Frederick the 28.. July 1758. p. 254

Sir

I beg the Favour of you to lay the enclosed Transcript before the Council, and if you and the other Gentlemen approve thereof I would have M^r Ross make out a Warrant for the Execution of Charles Butler the Slave and Criminal therein mentioned. I hope the Letter which you wrote to Col: Ireland requiring him to enforce my Orders to Captain Broome will have the desired Effect, but if both that Company and the Company that is ordered hither from Cecil County should refuse to march, I must desire you and the other Gentlemen of the Council to advise me how to act and what Measures to take for the Defence and Protection of the Frontier Inhabitants during the rest of the Summer. When

Lib. J. R. I found that Captain Broome would not be here in time to
& U. S. relieve Captain Butler, I ordered Captain Luckett of this
County to march hither with his Company, and it gives me
Pleasure to be able to inform you that his Men have hitherto
behaved extremely well, as did the two Companies of Militia
that were here last. I am with the greatest Esteem and
Regard,

Sir your most humble and most obed^t Servant
Hor^o Sharpe.

Upon reading the said Letter it is the Advice of this Board
that his Excellency be pleased to direct the Act for the order-
ing and regulating the Militia of this Province for the better
Defence and Security thereof to be put in Execution against
such of the Military of Cecil and Calvert Counties, as have
refused, or shall refuse to march to Frederick County for
the Safety and Defence of this Province in Pursuance of
Directions received by them; and it is likewise advised that
his Excellency send orders to the Colonels of Cecil and of
Calvert Counties requiring them to order out another Com-
pany of their respective Counties to march thither with all
convenient Speed.

p. 255 Upon reading and considering the Indictment against
Charles Butler junior of Charles County whereon he was
convicted of a Felony of Death, it is the opinion of this Board
that the Indictment is such a one, as they cannot advise a
Warrant for his Execution.

At a Council held at the City of Annapolis on Monday
the twenty first Day of August in the eighth year of his
Lordship's Dominion Annoque Domini 1758..

Present

The honourable	{	Benjamin Tasker Esq ^r	}	Col: Benjamin Tasker
		Col: Edward Lloyd		Benedict Calvert Esq ^r
		Philip Thomas Esq ^r		Daniel Dulany Esq ^r

The President lays before this Board the following Letters

S^r

I should be obliged to you for laying the General's Letter
before the Gentlemen of the Council and desiring their
opinion whether there is a Probability of the Assembly's
complying at their next Meeting with his Requisition, or
whether it is probable that the Lower House will propose
to raise Supplies after any other manner or Mode than that

which they have during their last Sessions so strenuously insisted on. If the Gentlemen of the Council are of opinion that the Lower House will not fall upon any other Method I desire the Favour of you to ask their Advice and Opinion whether I ought to call a new Assembly and if they shall advise that Step you will be pleased to order M^r Ross to issue Writs for a new Election, but if the Gentlemen should be averse to that Measure they will be so kind as to give their Advice about proroguing the Assembly to a longer Day than that to which it now stands prorogued, and M^r Ross will make out proclamations accordingly.

Lib. J. R.
& U. S.

I am Sir with the greatest Regard and Esteem, both
their and your most humble Servant
Fort Frederick the 10th Aug^t 1758: Hor^o Sharpe.

Camp at Carlisle July 20th 1758..

S^r

Having considered what you have told me concerning the Situation of your Maryland Troops, and particularly about the distressed Condition of the Officers and of M^r Ross by whom your Forces have been victualled since the Money which was granted by your Assembly for their Support was expended, and being very averse to your Troops being disbanded at this critical Juncture when in all Probability I shall have great Occasion for their Service, I am induced to advance a Sum of Money towards relieving those Gentlemen in some Measure from the Difficulties wherein they are involved by the late extraordinary Conduct of your Assembly, and to encourage your Troops to keep together during the Campaign

As I do not take upon myself to pay your Troops the Arrears that are due to them or satisfy M^r Ross but expect that your Assembly will out of the Supplies which they shall grant at their next Meeting appropriate a Sum for those purposes I shall not concern myself with any Accounts whatever, that I leave to your Assembly, or to such Persons as you or they may appoint, but what I advance, I advance upon the Credit of the Province to be repaid me out of the first Money that your Assembly may raise, and I desire you will communicate this Letter to them that they may be thoroughly apprised of my Intentions and Expectations.

p. 256

As I doubt not but your Assembly will notwithstanding what has lately happened be satisfied with my keeping your Troops together 'till the End of the Campaign I shall not

Lib. J. R. scruple to assure them that they will most certainly be paid as
& U. S. long as they shall continue in the Service.

I am with great Regard &c..

Your Excellency's most obed^t and
To Gov^r Sharpe. most humble Servant
Jo: Forbes.

Upon reading the same the President agreeable to the Governor's Letter desires the Opinion of this Board whether there is a Probability of the Assembly's complying at their next Meeting with General Forbes' Requisition or whether it is probable that the Lower House will propose to raise Supplies after any other Manner or Mode than that which they have during their last Session so strenuously insisted on, who unanimously say that it seems improbable that the Lower House would raise Mony by any other Mode.

The President then asks their Advice whether this present Assembly should be further prorogued or that it be dissolved and a new one called. Upon this question the Members present at the Board were equally divided so that no Advice could be given to his Excellency in Respect thereof, but the Question having been proposed to William Goldsborough Esq^r and he being unable to attend, and having sent his opinion in Writing that a new Assembly ought to be called, this written opinion was ordered to be received as there was an immediate Necessity to determine the said Question, and it was accordingly ordered that the present General Assembly be dissolved, and that Writs of Election issue to call a new Assembly returnable to the first Tuesday in October next being the third Day of the same Month.

Talbot County Aug^t 18.. 1758..

Sir..

Being apprehensive for some Days past of an Attack from the intermitting Disorder which generally seizes me about this Time of the year, I am afraid to venture abroad or I
p. 257 should with Pleasure wait upon you on Monday next pursuant to your Call. Presuming that the Matters to be laid before the Council are agreeable to the Proposals made in the Governor's Letter I beg Leave as I cannot attend in Person to give you my Answer to them which I hope may be of as much Avail as if I could be present at the Board. The Governor seems inclined to leave the calling a new Assembly to the Determination of his Council, and as touching that Matter I am clearly of Opinion that as the present Assembly seems to be so wedded to the Mode of Assessment proposed by them at three several Assemblies last past they cannot

with any Consistency quit it and fall upon another Method for the raising Mony so that it will be quite fruitless to call them together for that purpose; and therefore I think the best Method that can be taken by the Government as Matters are circumstanced is to dissolve them and call a new Set of Men who may probably think different from the present Gentlemen. Indeed I cannot conceive from the Offence the Conduct of this House in many Instances has given the people, but many of them will be left out, and if they are not the Governor will be justified in having done all in his power for the Alteration of such obstinate Measures which seem calculated rather to gratify Prejudice & Resentment than to forward the real Service and genuine Interest of the Country. I really think that this Measure ought to have been taken the last Spring, but hope it may not be too late now.

Lib. J. R.
& U. S.

I am with much Respect

Sir your most obedient humble Servant

To the honourable
Benjⁿ Tasker Esq^r

W^m Goldsborough

25th of September 1758.

Ordered by his Excellency the Governor with the Advice of his Lordship's Council of State that the present General Assembly of this Province which was appointed to be held at the City of Annapolis on Tuesday the third Day of October next be prorogued to Monday the sixteenth Day of the said October and proclamation issued accordingly

6th of October 1758:

Ordered by his Excellency the Governor with the Advice of his Lordship's Council of State that the present General Assembly of this Province which stands prorogued to Monday the sixteenth Day of the said October be further prorogued to Monday the twenty third Day of the same Month and Proclamations issued accordingly.

At a Council held at the City of Annapolis on Monday the sixth Day of November in the eighth year of his Lordship's Dominion, Annoque Domini 1758.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The	{ Benjamin Tasker Esq ^r Col: Benjamin Tasker }	{ Daniel Dunlany Esq ^r Col: William Goldsborough }
honourable		

Lib. J. R. Ordered with the Advice of this Board that the following
& U. S. Proclamation issue

Maryland ss.. By his Excellency Horatio Sharpe Esq^r
Governor and Commander in Chief in and
over the Province of Maryland.

A Proclamation

Whereas the present General Assembly of this Province stands prorogued to Tuesday the seventh Day of this Instant November, And Whereas for many important Reasons I find myself under a Necessity to prorogue the said Assembly I do therefore with the Advice of his Lordship's Council of State prorogue the same to Monday the twentieth Day of this Instant November; And to the Intent that all Persons concerned may have due Notice thereof I do hereby strictly charge and require the Sheriff of the City of Annapolis to make this my Proclamation public in the said City in the usual Manner as he will answer the Contrary at his Peril: Given at the City of Annapolis this sixth Day of November in the eighth year of his Lordship's Dominion Annoq Domini 1758.

At a Council held at the City of Annapolis on Saturday the twenty eighth of October in the eighth Year of his Lordship's Dominion Annoq Domini 1758:

Present

His Excellency Horatio Sharpe Esq^r Governor
The honble { Benjamin Tasker Esq^r } Richard Lee Esq^r
 { Col: Hammond }
 { Col: Benjamin Tasker } Daniel Dulany Esq^r

The Report of John Brice Esq^r Chief Justice of the Provincial Court being laid before this Board whereby it appears that he had passed Sentence of Death upon a certain Thomas Ledston als Ledsom late of Frederick County Labourer for feloniously stealing and leading away a Bay Gelding, the Goods and Chattels of one Elias Delashmeet contrary to an Act of Assembly of this province; and also on a certain Morris Mongall late of Baltimore County Labourer for feloniously breaking and entring the Store-House of a certain Richard Hayton (the said Store-House not being contiguous to or used with any Mansion House) and stealing, and taking thereout, and carrying away sundry Goods and Chattels the Property of the said Richard Hayton to above the Value of five Shillings Current Money contrary to an Act of Assembly

of this Province; ordered that Dead Warrant issue for the Execution of Morris Mongall on Wednesday Seven-night next; and that Pardon be made out for Thomas Ledston als Ledsom, which issued accordingly. Lib. J. R.
& U. S.

Read the following Petition preferred to this Board on the twenty seventh of May last.

To his Excellency Horatio Sharpe and his Lordship's honourable Council.

The Petition of the Reverend M^r Theophilus Swift, Doctor Gustavus Brown William Eilbeck, Walter Hanson, Daniel of S^t Thomas Jenifer & Daniel Jenifer.

Humbly shew.

That at a Vestry held at Port Tobacco Parish on the 25th and 26th Instant May 1758. the said Vestry proceeded to dispose of the Pews of the said Parish Church and regulate and apportion the same, in such Manner as your Petitioners apprehend not to be agreeable to Justice and common Decency, as some Men have whole pews allowed them, that have contributed but little towards the building the aforesaid Church whilst others who have contributed largely and have the Honor of holding Commissions under your Excellency are allowed but Half and some a Third Part of Pews and other Irregularities which we doubt not will be made appear.

Your Petitioners therefore humbly pray that a Day may be assigned for hearing all such Objections, as may be offered against the Proceedings of the Vestry aforesaid, and that Orders may be issued by your Excellency and Honours directing the said Vestry to proceed no farther in the Distribution of the Pews aforesaid, 'till your farther Pleasure may be known.

And your Petitioners will pray and so forth.

Theop. Swift
Gust. Brown
Will. Eilbeck
Walter Hanson
Dan. of S^t Tho^s Jenifer
Daniel Jenifer.

Ordered that the Gentlemen of the Vestry of Port Tobacco Parish in Charles County attend this Board on Wednesday the twenty second Day of November next to answer to the Petition of the Reverend M^r Theophilus Swift, Doctor Gustavus Brown, William Eilbeck, Walter Hanson Daniel of S^t Thomas Jenifer, and Daniel Jenifer Parishioners of the said Parish preferred to this Board the 27th of May last relat-

Lib. J. R. ing to the Disposition of the Pews in the said Parish Church
& U. S. and that they have a Copy of the said Petition.

Ordered with the Advice of this Board that Pardon with Transportation issue for Charles Butler of Charles County, the Slave of M^r Campbell in said County, who was convicted of a Felony of Death before the Justices of Charles County.

To his Excellency Horatio Sharpe Esq^r Governor of Maryland.

The Petition of the Nanticoke Indians of Dorchester County.

Humbly sheweth

That your Petitioners and their Ancestors 'till of late Years have constantly been governed by Emperors, but as we have no Person at present among our Tribes invested with such Powers of Government we beg that your Excellency would be pleased to appoint Peter Monk to be Emperor of the said Nanticoke Indians and your Petitioners as in Duty bound shall pray.

his Abraham & Bishop Mark	his Thomas & Joshua Mark	her Anne A Cohonk Mark
his Thomas T Bishop Mark	her Mary O Bishop Mark	her Amey t Prince Mark
his John C. Williams Mark	her Naomy Q Prince Mark	her Anne O Bishop Mark
		her Mary X Pincher Mark
		June 3 ^d 1758

May it please your Excellency

p. 260 The Death of Peter Prince has given Occasion to the Nanticoke Indians of making their Application to your Excellency in Favour of Peter Monk as may appear to your Excellency by the inclosed Petition, he passes for a Man of a fair Character, and as the Indians inform me is lineally descended from Annotoughcan one of the Grantees mentioned in the Act of 1704: in the Body of Laws Fo: 39.

I am with great Regard your Excellency's
most dutiful and most obedient Servant

Henry Hooper.

On reading the foregoing Letter and Petition, it is the Advice of this Board, and his Excellency is pleased to order accordingly that Peter Monk be appointed Emperor of the Nanticoke Indians. Lib. J. R.
& U. S.

24th of Nov^r 1758..

Ordered by his Excellency the Governor that the following Letter be entred.

Sir

Captain Peregrine Browne having represented to me that the Provisions and Rum specified in the inclosed Invoice lye in a House near Worton Creek, and that unless they are speedily disposed of the Rum will be wasted, and the Provisions entirely spoiled, I desire you will upon the Receipt hereof review the said Provisions and Rum, and return as much thereof as is good and fit for Use, to the Persons from whom the same was impressed, if they are willing to receive it, but if they are not willing I desire you will then appoint a Day, and sell the same for ready Mony in Parcels, or otherwise to the highest Bidder after you have done so you are to return to M^r Ross to be laid before me and the Gentlemen of the Council a particular Account of your Proceedings in Pursuance of this Order together with the inclosed Invoice, and you will afterwards receive Instructions to pay the Mony that you may receive to the public Treasury

I am &c: Hor^o Sharpe.

To M^r Coutts Sheriff of Kent County.

At a Council held at the City of Annapolis on Thursday the 21st Day of December in the eighth year of his Lordship's Dominion Annoq Domini 1758:

Present

The { Benjamin Tasker Esq^r } Benedict Calvert Esq^r
honourable { Col^o Benjamin Tasker } Daniel Dulany Esq^r

His Excellency is pleased to order with the Advice of this Board that the following Proclamation issue.

By his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation for a public Thanksgiving.

Whereas it hath pleased Almighty God in the Midst of Judgment to remember Mercy; and during the Course of this Year to bless the Arms of his Majesty our most gracious

Lib. J. R. Sovereign and his Allies with remarkable Success for which
& U. S. it becomes all his Subjects to be thankful; and whereas we the Inhabitants of these Colonies more especially are by the Reduction of the important Fortress of Louisbourg of Frontenac, and Fort Duquesne relieved from great Calamities, and may hope to receive therefrom many Advantages,

In Order therefore that his Majesty's good Subjects in this Province may have an Opportunity of shewing collectively that the signal Interposition of divine Providence in our Favour has made a suitable Impression on their Minds, that they may all in the most devout Manner, with humble and grateful Hearts adore the Goodness of our Almighty Protector, and offer up their earnest Supplications for the Continuance of his Favour,

p. 261 I do by the Advice of his Lordship's Council of State think fit to appoint Thursday the eleventh Day of January next, to be set apart and observed throughout this Province, as a Day of public Prayer, Praise and Thanksgiving And I do hereby recommend it to the several Ministers of the Gospel within this Province to compose Thanksgiving Prayers to be used in their respective Churches and Chappels on that Day, and likewise Sermons suitable to the Occasion; and I moreover require all such Ministers to publish this my Proclamation in their several Congregations, during the Time of divine Service on the Sunday next preceding the said Day of Thanksgiving Given at the City of Annapolis this 21st Day of December in the eighth year of his Lordship's Dominion Annoque Domini 1758:

T: Ross Cl Conc.

Hor^o Sharpe

God save the King.

Ordered that the Clerk of this Board draw an Order on the honourable Col^o Edward Lloyd Treasurer of the Eastern Shore payable to M^r Henry Walls or Order for twenty five Pounds sterling being his yearly Salary as Armourer of this Province, ending the twenty ninth of September last to be paid out of the Duty of 3^d p Hhd: for Arms &c.

At a Council held at the City of Annapolis on Tuesday the second Day of January in the eighth year of his Lordship's Dominion Annoq Domini 1759.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker Esq^r Col: Benjⁿ Tasker, and Daniel Dulany Esq.

His Excellency is pleased with the Advice of this Board, Lib. J. R.
& U. S.
to order that the following Letter be sent to Col^o Golds-
bourough.

Sir

The Lower House of Assembly having declined making any Provision during the late Session for the Support of the French Prisoners that have been already or may be hereafter brought into this Province, and his Excellency being unwilling to burthen the Sheriffs more than is absolutely necessary, he has advised with the Gentlemen of the Council that are in Town, and in Pursuance of their Advice, orders me to make the following Proposal to Capt. Viviat, or to desire the Favour of you to make it, viz^t if the Captain's Correspondent at Philadelphia, or any other Person will fit out a small Vessel to transport him and his Crew to New Orleans, or elsewhere, the Governor will permit them to embark and put to Sea, on Mons.. Vивиatts' promising to obtain the Releasment of as many English prisoners as his Crew consists of, but if the Captain cannot procure a Vessel, or is averse to this proposal, the Governor will distribute the Prisoners among the first Ships that sail for Europe, or the West Indies, and any Master of a Vessel that is outward bound, may have as many of them as he shall choose to take on Board.

I am Sir, your most obed^t humble Servant

9th January 1759..

J. Ross Cl Com.

Ordered by his Excellency the Governor with the Advice of his Lordships Council of State, that the present General Assembly of this Province which stands prorogued to Tuesday the twenty seventh Day of February, be further prorogued to Monday the twenty sixth Day of March next, and Proclamations issued accordingly.

10th of March 1759.

Ordered by his Excellency the Governor with the Advice p. 262
of his Lordship's Council of State that the present General Assembly of this Province, which stands prorogued to Monday the twenty sixth Day of this Instant March, be further prorogued to Monday the second Day of April next and Proclamations issued accordingly.

Lib. J. R. At a Council held at the City of Annapolis on Wednesday
& U. S. the fourth day of April in the Eighth year of his Lordship's
 Dominion Annoq Domini 1759.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Honble	{	Benjamin Tasker Esq ^r	}	Col ^o Benjamin Tasker
		Col ^o Charles Ham-		Benedict Calvert Esq.
		mond		Daniel Dulany Esq ^r

His Excellency Acquaints this Board that his Lordship the Right Honourable the Lord proprietary had Appointed Stephen Bordley Esq^r a Member of the Council & the Upper House of Assembly and that he Attends in order to be qualified who takes the several Oaths to the Government Subscribes the abjuration and Test and takes the Oath of a Councilor and then takes his place at the Board Accordingly

His Excellency lays before this Board the following Letters

Whitehall 9 Decemb^r 1758.

Sir

His Majesty having nothing so much at Heart, as to improve the great and important Advantages gained the last Campaign; as well as to repair the Disappointment at Ticonderoga; and by the most Vigorous and extensive efforts, to avert, by the Blessing of God on his Arms, all Dangers, which may threaten North America, from any Future Irruptions of the French; and the King not Doubting, that all his Faithfull & brave Subjects there, will chearfully co-operate with, and second to the utmost the large Expence, and Extraordinary succours, supplied by this Kingdom, for their preservation and Defence; and his Majesty Considering that the several provinces, from Pensilvania Inclusive, to the Southward, are well able, with proper Encouragements, to furnish a Body of several Thousand Men, to join the Kings Forces in those parts for Some offensive Operations against the Enemy, and his Majesty not Judging it Expedient to limit the Zeal and Ardour of any of his provinces, by making a repartition of the Forces, to be raised by each respectively, for this most Important Service; I am Commanded to Signify to you the Kings pleasure, that you do forthwith use your utmost endeavours and Influence with the Council and Assembly of your province, to induce them to raise, with all Possible Dispatch within your Government as Large a Body of men, as the number and Scituation of its Inhabitants may allow (in the due performance of Which Service, it is hoped

and expected, they will not again fail in their duty to the King as they did the Last Campaign) and forming the Same into regiments, as far as shall be found Convenient, that you do direct them to hold themselves in readiness as early as may be, to march to the Rendezvous, at Such place or places as may be named for that purpose, by the Commander in Chief of his Majestys Forces in America, or by the Officer who shall be appointed to Command the Kings Forces in those parts, in order to proceed from thence in Conjunction with a Body of his Majestys British Forces and under the Supreme Command of the Officer to be appointed as above, so as to be in Scituation to begin, by the first of May if possible or as soon after as shall be any way practicable, such offensive, operations as shall be Judged, by the Commander of his Majestys Forces in those parts most Expedient for Annoying the Enemy, and most efficacious towards removing and Repelling the Dangers, that Threaten the Frontiers of any of the Southern Colonies on the Continent of America and the better to facilitate this Important Service, the King is pleased to leave it to you to Issue Commissions to such Gentlemen of your Province as you shall Judge from their weight and Conduct with the people and their Zeal for the publick Service, may be best disposed and enabled to quicken and effectuate the Speedy Levying of the greatest number of Men, in the Disposition of which Commissions I am persuaded you will have nothing in view, but the good of the Kings Service, & a due Subordination of the whole when joined, to his Majestys Commander; and all Officers of the provincial Forces, as high as Colonels inclusive, are to have Rank According to their Several respective Commissions agreeable to the regulations Contained in his Majestys Warrant of the 30th of December Last year.

Lib. J. R.
& U. S.

The King is further pleased to furnish all the men so raised as above, with arms Ammunition and Tents as well as to order provisions to be Issued to the Same, by his Majestys Commissarys in the same proportion and manner as is done to the rest of the Kings Forces and a Sufficient Train of Artillery will Also be provided at his Majestys Expence, for the operations for the Campaign; the whole therefore that the King Expects and requires from the Several provinces, is, the Levying Cloathing and pay of the men, and on these heads Also, that no Encouragement may be wanting to the Fullest Exertion of your Force, his Majesty is farther most graciously pleased to permit me to Acquaint you, that Strong recommendations will be made to Parliament in their Session next year to grant a proper Compensation for such expences

Lib. J. R. as above, According as the Active Vigour and strenuous
 & U. S. Efforts of the respective provinces shall justly appear to
 p. 264 merit.

It is his Majestys pleasure that you do with particular Diligence, immediately Collect, and put into the best Condition, all the Arms Issued Last Campaign which can be any ways rendered serviceable, or that can be found within your Government in order that the same may be employed as far as they will go, in this Exigency. I am at the same time to acquaint you that a reasonable Supply of Arms will be sent from England to replace such as may have been Lost or become unfit for Future Service

I am further to Inform you that similar orders are sent, by this Conveyance to Pensylvania, Virginia, North Carolina and South Carolina.

The Northern Governments are also directed to raise men in the same manner to be employed in such Offensive operations as the Circumstances and Scituation of the Enemys possessions in those parts may point out, which it is hoped will oblige them so to divide their attention and Forces as will Render the several Attempts more easy and successfull.

It is unnecessary to add any thing to animate your Zeal in the Execution of his Majestys Orders, on this great occasion, where the future safety and Welfare of America and of your own province in particular are at Stake, and the king doubts not from your known Fidelity and Attachment, that you will employ your self, with the utmost Application and Dispatch in this urgent and Decisive Crisis

I am Sir

Your most obedient, humble Servant

W: Pitt:

New York Decem^r 13. 1758.

Sir

The King having been pleased to appoint me Commander in Chief of his Majesty's Forces in North America and having at the same time signified to me his Royal pleasure that I should correspond with and apply to all his Governors on the Continent for their Aid and Assistance in carrying on the Services pointed out to me, I am in obedience to those Commands, to Acquaint you, that altho I have not as yet any particular Orders Relative to the operations of the ensuing Campaign I imagine they will require the Same Number of provincial Troops that were voted by the respective provinces and Colonies this year, and it will Likewise be necessary, in order to carry those operations the more effectually

into Execution that those Troops should be at the place of Rendezvous as early in the Spring as possible I would therefore recommend it to you if the Troops raised by your province for the services of Last Campaign are not already disbanded that you move your Assembly to Continue them in their pay during the Winter which will not only be a great saving in point of Time, but by what I can understand a great Saving of expence to the province Wherefore I should hope you will the more easily succeed in your application, but if it should so happen that before the receipt of this Letter those Troops had already been Disbanded, in that case, I must desire, that you will loose no Time in using your Influence with your Assembly to move them to order new Levies and to Cause these to be provided with the usual necessary's and to be ready by the Time the Season will Admitt their Taking the Field.

Lib. J. R.
& U. S.
p. 265

Having also received his Majestys orders to recruit and Compleat the Regiments now serving on the Continent, I am Likewise to beg your Countenance and protection to the officers I shall have occasion to send as well as to those that have already been sent by my Predecessor, on that Service, and that you will be aiding and Assisting unto them in the Execution thereof

I am with great Regard

Sir

Your most Obedient Humble Servant

Jeff.. Amherst

Whitehall 29 Decem^r 1758.

Sir

In transmitting to you the inclosed Duplicate of my Letter of the 9th Instant I have the Kings particular commands to renew and enforce, in the strongest manner the Necessity of a punctual compliance with the orders therein contained, and you will Accordingly urge in the most expressive Terms to the Council and Assembly of your province the Importance of their Exerting themselves in the present critical and Decisive moment in which their own Interests and security are so nearly concerned that it would seem Superfluous to add the further motives of their duty to the king and of the Gratitude they owe to this Country for the very great expence and succours Supplied for their Immediate Defence, and for the future safety of all their rights and possessions in America, and the levying the men to be furnished by the Several provinces, without any Delay, and in such time, that they may not fail to be at the rendezvous that shall be ap-

Lib. J. R. pointed for them, so as to be ready to Commence the opera-
 & U. S. tions by the 1st of May is so essential as well for preventing
 the Extraordinary efforts which it is Supposed the Enemy
 is preparing to make to Stop the further progress of his
 Majestys Arms in America, as for pushing with Success the
 p. 266 ensuing Campaign, that it is the Kings pleasure that you do
 employ the utmost Diligence and every means in your Power
 to forward and Expedite this Service in the most effectual
 Manner and to avoid any Disappointment happening from
 the Slowness of the Levies or from the men, who shall be
 Raised, not proceeding in due time to the Rendezvous; with
 Regard to the Expences incurrd by your province for the
 Last Campaign I am further to acquaint you that as soon as
 the Agents of the Respective Provinces duly Authorized
 shall produce the necessary Documents, the same will without
 delay be recommended to parliament for a reasonable Com-
 pensation agreeable to the gracious Assurances which the
 King was pleased to allow me to give in my Letter of the
 30th Decem. Last year

I am Sir

Your most Obedient Humble Servant

W.. Pitt.

New York March 18th 1759.

Sir

It having become Necessary, by the Demise of Brig^r Gen^l
 Forbes, that an Officer of Rank and Experience should with-
 out Loss of Time proceed to Pensylvania to take on him the
 Command of his Majestys Regular Troops and those to be
 raised by the Southern Provinces to Act in conjunction for
 the Defence and Security of those Provinces, or otherwise as
 opportunities shall offer, or the Exigencies may require I
 have thought it for the good of his Majestys Service to
 appoint Brig. Gen. Stanwix to that Command and he does
 accordingly set out Tomorrow for Philadelphia to take upon
 him the same, I am therefore to request you that during such
 his Command, you will upon every immergent Occasion, Cor-
 respond and co-operate with him in the same manner as you
 are enjoined by M^r Secretary Pitts Letter to do with me,
 which must prove of great Benefit to the publick Service,
 as from my removal from hence into the Back Country,
 whether I may be called soon, it prove very prejudicial to
 the safety and security of the Southern provinces to wait
 for the Answers to any of the Letters you may have Occa-
 sion to write to me in relation thereto and I have accordingly

directed Brig. Gen. Stanwix to Correspond and co-operate with you in Like manner. Lib. J. R.
& U. S.

I am, with great Regard
Sir

Your most Obedient
Humble Servant
Jeff. Amherst

At a Council held at the City of Annapolis on Tuesday p. 267
the Seventeenth day of April in the Eighth year of his Lord-
ship's Dominion Annoq Domini 1759.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honble	{	Benjamin Tasker Esq.	Benedict Calvert Esq ^r
		Col ^o Charles Ham-	Col ^o William Goldsbour-
		mond	ough
		Col ^o Benjamin Tasker	Daniel Dulany Esq ^r
		Richard Lee Esq ^r	Stephen Bordley Esq ^r

His Excellency is pleased to lay before this Board the following Letters and Depositions sent him from Pensilvania Relative to a murder committed upon an under Sheriff of Worcester County in this Province, and Also Several Papers Relative to the Same Murder Transmitted from Somerset and Worcester Counties as follow.

Copy of Letter from the Justices of Sussex County to Governor Denny.

Sir

A very unhappy and much to be lamented Transaction hath Lately fallen out with Respect to the Boundary or Dividing Line between this County of Sussex on Delaware and Worcester County in the Province of Maryland of which your Honour will be more fully Informed on Perusal of the Copys of the several Depositions herewith sent you, all of which Depositions were taken with the concurrence and Assistance of the subscribing Magistrates, and some others in the Commission of the Peace who were (at Times) present, also were one of the Justices and the Sheriff of Worcester at the Taking of one of them and the prosecution of his Lordships Pleas for the said County at the Taking of those of the Twelfth and Thirteenth Instant Several other Gentlemen Likewise of the said County, being present, as often as they pleased.

Lib. J. R.
& U. S.

In the next place it may be Proper to acquaint your Honour, that at the Time when John Willey (now a prisoner) Surrender'd himself, to wit, on the Seventh Instant near noon, I was informed that the Body of the person slain, was carried away in Worcester County on the day before by some of the persons who had Accompanied him in Life so that it was not in the power of our Coroner to have a view of it or take an Inquisition concerning the Death of it, but one hath been Taken in the County of Worcester aforesaid, and as it is reported they have found the place where the killing was to be in that County: On the other hand our quarter Sessions Grand Jury have found it to be in Sussex by a Bill of Indictment against Several of the deceaseds Late attendants as Rioters Routers &c. and being unlawfully Assembled at the same place

But for giving your Honour Some farther Account as to the Scituation of the place, we have Taken and sent the Deposition of our Surveyor as also of an Ancient Borderer who was one of his Chain Carriers; and this hath Detained our messenger from setting off more early We had Likewise sent for another very Ancient Liver on the Borders, but he is not as yet come to Town.

p. 268

Lewes February 17th 1759. We are, Sir.

Your Honours most Obed^t hble Servants

Jacob Phillips	R ^s Holt
David Hall	Jacob Kollock

Copy of a Warrant for Surveying 200 Acres of Land Scituated on Gum Branch Granted to Ephraim Polk. Pennsylvania and Counties on Delaware ss^t By the Proprietary's

Whereas Ephraim Polk of the County of Sussex hath requested of us that we would be pleased to grant him a survey on two Hundred Acres on the East Side of Gum Branch adjoining Thomas Hammonds Land in the Forest of Cedar Creek Hundred in the said County, for which he agrees to pay to our use the yearly Quit-Rent of one peny Sterling for every acre of the Same and one Whole years Rent on every Alienation.

These are Therefore to Authorize and Require you to Survey or cause to be Surveyed unto the said Ephraim Polk at the place aforesaid contiguous to Surveys already made, the said Quantity of 200; Acres if not already Surveyed or appropriated, and make Return thereof into the Secretarys office in order for Confirmation, for Which this shall be your Sufficient Warrant.

Given under my hand and the Seal of the Land office by ^{Lib. J. R.}
virtue of certain Powers from the Proprietaries at Philad^a & U. S.
this fifth day of February Anno Domini 1747.

To William Parsons Surveyor General, Anthony Palmer
To William Shanklin Deputy Surveyor }
Execute the above Warrant and make }
Return thereof into the Sur. Gen^{ls} Office } Tho^s Kean

The within Warrant is thus Assigned

For and in Consideration of the Sum of Fifteen pounds
Current money of Pensylvania to me in hand paid I do
hereby Assign and make over all my Right Title or Interest
of the within mentioned Warrant from me my heirs Execu-
tors Adm^{rs} or Assigns unto John Willey Jun^r Planter of
Dorchester County and Province of Maryland to him his
Heirs Executors Administrators or Assigns as Witness my
hand and Seal this fifth day of November Anno Domini 1755
Signed Sealed & Delivered Ephraim Polk [S S]
in the presence of us.

Thomas Russell
Jonathan Manlove

Copy

The Deposition of William Shanklin Deputy Surveyor.
Sussex on Delaware

William Shankland Deputy Land Surveyor of the County
aforesaid being Solemnly Sworn on the Holy Evangelists,
before us the Subscribing Justices, did Depose and say That
the Within recited Warrant, and above Assignment are true p. 269
Copies taken from the warrant filed in his Office and that
Pursuant to the command of the said Warrant he did on the
twelf day of December in the year of our Lord 1749 Survey
and lay out for the Within named Ephraim Polk a certain
Tract of Land in Cedar Creek Hundred in the County afore-
said, scituate laying and being on the East Side of Gum
Branch and Adjoyning to the Land of a certain Thomas
Hammond, the Bounds and Courses of Which may fully
appear by the Plot of survey and Return by the Deponant
made into the Surveyor Generals Office at Philadelphia, the
which Tract is surveyed and laid out for Two Hundred and
Ninety Nine Acres and Ninety four perches of Land and
Branch on this 16 day of Feb^{ry} 1759.

Jurat Coram Nobis
R^s Holt David Hall
Jacob Kollock Jacob Phillips

William Shankland

Lib. J. R. Copy of Richard Hays Deposition aged between 60 and 70.
& U. S.

And on the day aforesaid appeared before us the Subscribing Justices Richard Hays Sen. aged between sixty and Seventy years and who hath been an Inhabitant in Cedar Creek Hundred in the County of Sussex aforesaid near upon Fifty years, who being also Sworn on the holy Evangels did depose and say that he was one of the Chain carriers at the Time William Shankland Deputy Surveyor of the County aforesaid ran out the afore mentioned Tract of Land for the aforesaid Ephraim Polk in the Hundred of Cedar Creek aforesaid and that at the Time of the said Running out Viz^t on or about the ninth of December in the year of our Lord 1749 he believes and always had heard it said by the Inhabitants of Cedar Creek Hundred afs^d that the said Tract of Land was scituated within the Hundred and County aforesaid, nor did he know or ever hear that any survey had been before made on the said Tract by any Powers under the Government of the Counties on Delaware or of the Province of Maryland and the Deponent having been this day shewed a Copy of the Plot of the aforesaid Survey He verily believes that the Lines laid down and ascertained in the said Plot, are those lines which he as an Assistant to the said Surveyor carried the chain along. on this 16th day of February 1759.

Jurat Coram Nobis	his
R ^s Holt	Jacob Phillips Richard R Hays Sen.
Jacob Kollock	David Hall. Mark

Copy of John Willys Examination

Sussex on Delaware

The Examination of John Willy of the County aforesaid Planter Taken before me Ryves Holt Esq^r Chief Justice of his Majestys Supreme Courts for the Counties of New Castle Kent and Sussex on Delaware and Chief Justice of his Majestys Courts of oyer and Terminer and General Goal Delivery for the said Counties.

p. 270 This Examinant saith, that Yesterday morning to wit the sixth day of February Instant William Outten under Sheriff of the County of Worcester in the Province of Maryland with sundry Armed Men came to the House of the Examinant at about eight o'Clock of the said day and as he this Examinant did suspect to take him and carry in to Maryland, and to enforce him to attorn as a Tenant and Taxable to the Government of the province of Maryland afs^d but a Little before that Hour, he saith, That two men, to wit Garret Hitchings and Moses Timonds came and enquired of him the

way to William Laws's Plantation, whereupon the Examinant asked them to sit down and warm themselves by his Fire side and they did so for about a quarter of an Hour, in the mean Time, he the Examinant went into his yard where he saw the aforesaid William Outten and his Possey of Armed men making up towards the yard & House of the Examinant Whereupon he retired into his said House and bolted and barred the Doore, upon Which the said William Outten and his Company Retreated and Dispersed them selves in the Woods for Some time; Whereupon he asked the aforenamed Garret Hitchings and Moses Timmonds whether they were concerned in any Design to take him as assistants to the said William Outten to which they answered no, but the Examinant was soon after made sensible that they were concerned in the s^d Design for they laid hold of him in order to Deliver him up to the said William Outten and his Company but he rescued himself out of their hands; in a Little Time afterwards the said William Outten & his Company returned again to the Doore of the Examinants House, and while they were breaking open the s^d Doore he called to them and forbid them and retired into his Loft, but the said Outten having then entered the House Swore he would have the Examinant dead or alive, and in order to take him Attempted to do it by removing some loose plank of the Loft floore, and threatning him that he would kill him, with a Grubbing Hoe with which (before) he had broken open the Door, Whereupon the Examinant desir'd the said Outten and his Company to peaceably Retire, telling them that if they had any Lawfull Complaint against him he would go with them to Sussex Court which was now sitting and Answer it there, but he the said Outten refused doing so, repeating again that he would have the Examinant dead or alive, Whereupon a certain John Sharpe and one Pennington Welch came to the Examinants House, and desired the said Outten and his Company to desist from Such Violent Action, Whereupon with a cutlass or hanger that he held in his hand drawn, gave the aforesaid John Sharpe a wound on his Left Shoulder, upon which Pennington Welch came to the said Sharpes Assistance, Whereupon the said Outten made an Attempt to run the said Weapon through the said Welches Body, but the Examinants Wife Laid hold of the said Outtens right Arm, by which he was prevented from Wounding of the said Welch, upon Which the Examinants Wife called out to him & desired him to Come down from the Loft, for there was murder Committing in the yard saying that she was afraid that John Sharpe was killed whereupon he came down and a certain Matthew Coverdale (who had then a

Lib. J. R.
& U. S.

Lib. J. R. Gun in his hand) let the Examinant have the Same, But in
 & U. S. What manner she was loaded he could not tell; and when he
 was so possessed of the said Gun, he saith, he heard Some
 Voices (but Whose he knoweth not) saying that if he,
 meaning the afs^d Outten as this Examinant believes) will
 not stand off Shoot him, upon which the said Outten went
 round a small House of the Examinants Adjoyning to his
 yard in order to take the said Examinant and had in his hand
 the aforesaid Hanger or Cutlass drawn; But the Examinants
 Wife had hold of the said Outten begging him to desist, but
 he would not.

Whereupon as the said Outten was approaching towards
 this Examinant in the aforesaid Armed Manner he bid him
 to stand off at his Peril otherwise he would shoot him, but
 the said Outten still Advancing, towards the Examinant he
 cocked and presented at him, the aforesaid Gun Wherewith
 he shot the aforesaid William Outten in or near the Groin
 after which Accident the persons that accompanied the said
 Outten not Offering to lay hold of this Examinant, he came
 away from his aforesaid Dwellings, and hath on the day of
 the Date hereof Viz^t the Seventh day of February in the 32^d
 year of his Majestys Reign Anno Domini 1759. Surrendered
 him self up in order to be tryed for the aforesaid Offence, in
 a due Course of Law and Justice his

Signed thus, John I Willis
 mark

Copy Peter Dolby's Deposition

Sussex on Delaware

The Deposition of Peter Dolby taken before me the Sub-
 scriber this Eighth Day of February in the 32nd year of his
 Majestys Reign and in the year of our Lord one Thousand
 Seven Hundred and Fifty nine this Dopent being Solemnly
 Sworn on the Holy Evangelists did depose and say that on
 Tuesday the 6th Instant at about ten o'Clock in the morning
 he was with William Outten Deputy Sheriff of Worcester
 County in the province of Maryland at the House of a certain
 John Willey by him claimed to be Within the County of
 Sussex (accompanied with Sundry others, and that the said
 William Outten told him that he had a precept from the
 Court of Worcester aforesaid to apprehend and take the said
 John Willey and that when the said Deputy Sheriff, and
 himself with Others came to the said John Willeys House,
 he was at that time up in his Loft and the Doore of the House
 aforesaid was then open but he heard the Wife of the said
 John Willey say that it had been broke open, but this Depo-

nent knoweth not any thing of its having been so broke open and the said William Outten finding that he cou'd not Come at the said John Willey, to take him, retired with the People accompanying to some Distance from the said House; at which Time Col^o John Dennis one of the persons who Accompanied the said William Outten, Advised him to desist therefrom at present upon which the said William Outten went to his Horse, and as the Deponent thought with a design to go away, after which he saith, that he saw John Willey aforesaid with a Gun in his hand a Little way of the said House and that he heard some persons (whose names are to him unknown) call out to the said John Willey saying shoot him (meaning the said William as this Deponent verily believes) in the Legs and that others, (also to him unknown) called out, saying shoot him in the Body; He farther saith that the said William Outten at that time had gone a Little way from his Horse, & was at the back of an Out house of the said William Willey, Soon after which he saw the said Willey shoot the said William Outten with the Gun aforesaid, and he farther saith that the aforesaid William Outten had at that Time a drawn hanger or Cutlass in his left hand, he also saith that before the said John Willey shot the aforesaid William Outten he had followed him about 30 yards from the said Willeys Dwelling House and farther this Deponant saith not

Signed thus Peter Dolby

Thus Subscribed. Jurat Coram Nb
R^s Holt. Capital Just et Jus^t Pacis &c.

The Deposition of John Sharp.

Sussex on Delaware,

The Deposition of John Sharp, of Cedar Creek Hundred in the County aforesaid; Planter taken before me the Subscriber at my House in Lewis in the said County on the twelfth day of February in the 32^d year of his Majestys Reign and in the year of our Lord one Thousand seven Hundred and Fifty Nine. This Deponent being Solemnly sworn on the Holy Evangelists did depose and say, that on Tuesday morning the Sixth of this Instant he was informed that the under Sheriff of Worcester County in the Province of Maryland was come with a Company of men to the plantation of a Certain John Willey in order to serve a precept on him, Issuing from the Court of Worcester County aforesaid and that he was also told that there were precepts of the Like kind to Take William Mullineux and some other Borderers living within a mile or two of the said Willeys

Lib. J. R.
& U. S.

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Lib. J. R. Plantation which plantation he saith he understood had been
 & U. S. Taken up by a Warrant of Survey in Sussex County afore-
 said Some time past, but at what time is to him the Deponent
 unknown upon which he went Immediately from his own
 dwelling to the aforesaid Willeys Plantation, and being there
 Viz^t in the said Willeys yard, William Outten then an under
 Sheriff of the County of Worcester afs^d Came out of the said
 p. 273 Willeys House with a cutlass in his hand, Whereupon as he
 the Deponent having heard, that the said William Outten
 had Precepts from the Court of Worcester aforesaid for
 twenty three persons including the two before mentioned
 Persons Living on the Borders of the said Counties of Sussex
 and Worcester and hearing that he himself was one of the
 said Persons, he bid the said William Outten Stand off for
 that he would not be Taken by him, Whereupon he struck
 the Deponent with the Cutlass aforesaid Several Strokes and
 by one of them gave him a wound upon the Left Shoulder;
 upon Which he this Deponent fled and went out of the said
 Willeys yard in order to go to his own home and have his
 wound Spedily drest, at which time of his retiring the said
 William Outten followed him round and about the yard
 aforesaid, and being at about Forty or Fifty yards from
 the aforesaid Willeys House several Persons came round
 about him, some of whom called out saying he the said Wil-
 liam Outten is coming again against you, upon Which one
 of the said Company whose name he knoweth not put a gun
 in his hand but he this deponent neither did or Attempt to
 make any use of it; after which the aforesaid John Willey
 came up to the Deponent but Whether he got the Gun from
 him, he being in a Fright he knoweth not, nor who the person
 was that got the said Gun from him; after which he saw the
 aforesaid William Outten making up towards the aforesaid
 John Willey with his cutlass drawn in his hand, at which
 Time he also saw the said Willey armed with a Gun, he also
 saith that he heard the Voices of some Persons calling out
 shoot him, (but who the persons so calling out are to him
 the Deponent unknown) he also saith that he saw the afore-
 said John Willey fire off the said Gun, But at that Time (a
 House being between the Deponent and the aforesaid William
 Outten) he did not see him fall by means of the said Firing,
 but he went up to the Body of the said William Outten which
 then lay on the Ground Expiring and in about a quarter of
 an Hour did Expire, he farther saith that at the said Time
 he heard some of the people there standing say it was no
 more than what he might expect or deserve, but he doth not

Remember which of the said Expressions it was; and further
this Deponent saith not

Lib. J. R.
& U. S.

Signed thus John Sharp

on the day and year first within mentioned
thus Subscribed

Jurat Coram Nb. R^s Holt Capital Just & Just Pacis &c.

Copy Widow Hammonds Deposition

Sussex on Delaware

The Deposition of Patience Wadeloe Hammond Widow of Cedar Creek Hundred in the County aforesaid taken before me the Subscriber at my House in Lewes in the said County on the twelfth day of February in the 32^d year of his Majestys Reign and in the year of our Lord 1759 this Deponent being Solemnly Sworn on the holy Evangelists did p. 274 Depose and say, that on Tuesday the Sixth day of this Instant, she was at the House and plantation of a certain John Willey, Scituate to the best of her belief and knowledge in Cedar Creek Hundred in the County of Sussex aforesaid, and then and there being, She saw a certain William Outten at that time undersheriff of the County of Worcester in the province of Maryland and sundry other persons with him, all of whom were to this Deponent unknown, and that the aforesaid William Outten seemed at that Time to be angry, saying, that he had been ill used the sunday before, but she did not hear him say by Whom, but he shewed her a Scratch on one of his hands, soon after which she saw him and another person with him in the aforesaid John Willeys House, he the said Willey being then up in his Loft of the said House, she farther saith she heard the said Outten call out to the said Willey saying he might as Well Come down for that he would have him dead or alive, presently after which she heard a Voice in Willeys yard which she took to be the voice of a certain John Sharp Whereupon the aforesaid William Outten went out of the said House, and that he had a Drawn cutlass in his hand, she further saith, that she saw the said Outten and the said Sharpe fighting together, Sharp at that time having a Walking Stick in his hand and that Blows past between them, but she knoweth not which gave the first Stroke. A Little while after this the Deponent saith that the aforesaid John Willey came down from his aforesaid Loft and went out of his back doore and soon afterwards she heard the Report of a Gun, and some voices crying out Lord have mercy upon us the man is killed and soon afterwards she saw the aforesaid William Outten's Corps laying Dead upon the Ground near a Little House of the said

Lib. J. R. Willeys called the Weaving House, and that in about two or
& U. S. three Hours afterwards she saw the Body of the aforesaid
William Outten carried away in a Cart by Col^o John Dennis
and some others and further this Deponant saith not.

her

Signed thus Patience Wadeloe X Hemmons
Thus Subscibed, on the day & in the mark
year above mentioned.
Jurat Coram me. R^s Holt capital Jus^t et Jus. Pacis &c.

Col^o John Dennis's Deposition Taken the 13th Feb^{ry} 1759.
Sussex on Delaware.

The Deposition of Col^o John Dennis Jun^r of Worcester
County in the province of Maryland Gent, taken before me
the Subscriber at my House in Lewis in the County of Sussex
afs^d on the 13th day of February in the 32nd year of his
majestys reign and in the year of our Lord One Thousand
Seven Hundred and Fifty Nine.

p. 275 This Deponant being Solemnly Sworn on the Holy Evan-
gelists did depose and say, that on monday being the Fifth of
this Instant he was up at or near the Head of the County of
Worcester aforesaid, where he met with William Outten Sub
Sher. to Benjamin Handy high Sheriff of the said County;
the said Outten appearing to be indisposed, was asked by this
Deponent what was the Cause of his Indisposition, who told
this depon^t that he had been very ill Treated, on the pre-
ceeding night, by one Couberdel, for whom the said Outten
had Process in Consequence of a presentment against him for
concealing a Taxable; which said Couberdel (the said Outten
Informed him this Depon^t) with sundry other persons who
were also presented for Concealing their Taxables, attempted
to Take the said Outten by force, or would take any other
Sheriff or Officer who should Attempt to Execute any process
on any of the persons who were presented as afs^d and carry
him or them up to Sussex County in persuance of a Warrant
granted and to the said Couberdel directed, by one Draper
and one other Magistrate for the County of Sussex afs^d
which warrant the aforesaid Outten Informed this depon^t
he saw, and that the aforesaid Couberdel and Several Other
Persons informed the afs^d Outten (as the aforesaid Outten
Informed this Deponant) that they had directions from the
Magistrates aforesaid to Take the said Outten, if not to be
got else where, at Lauly Slavins being about Seven miles
Within Worcester County which warrant was granted in
the manner aforesaid upon his the said Outtens having
served process upon one Mullenex who was Also presented by

Worcester County Grand Jury for the concealling a Taxable who resided, as the Deponant was informed Within the reputed Lines of Worcester upon Which the said Outten asked this Deponant what he had best do, in the matter when this Deponent Advised that a warrant should be got in order to take the Several persons afs^d and have them brought to Justice, which might easily be done after the Issuing the Warrant, as the Sheriff and Constable might Take such a number of men as would be able to withstand their Insults and take them that a Warrant was obtained and the said Deponent with sundry other persons at the request of the said Outten went with him to take the said Mullineux (who had made his Escape from the said Outten) and Sundry other persons for whom the said William Outten had process and refused to be Taken That after Some Time and before they met with any of the persons they were in pursuit of they divided into two Companies and this Deponent with one of the Companies went to go to the House of the afs^d Mullinex and the afs^d Outten with the other Company went to the House of one John Willey a person for whom the said Outten had process, and the Constable a Warrant; That after some time this Deponent Left the House to which he went and Went to the afs^d Willeys where he found the said Outten who told this Deponent that Willey was Taken but that he had got up into the Loft of his House and would not Surrender himself. This Deponent went into the House saw the said Willey in the Loft having in his hands a large Pole or club to defend and prevent himself from being Taken away, that after Several fruitless Attempts by the said Outten to get into the Loft where the said Willey was the said Outten having a Slip of plank in his hand Willey Struck at him with his pole and beat the plank out of the said Outtens Hands which fell on the said Willys Wifes head and cut it so that it coloured her cap about the bigness of a Dollar, this Deponent Went to the Woman and Examined the wound and found the Cut about one Inch Long but Little deeper than the Skin, The said Outten signified to this deponent to Walk out with him which he did when the said Outten requested this Deponent to Advise him what was best to be done upon which this Deponent thinking it Dangerous to persist and being Apprehensive that murder wou'd ensue from a continuance of their Endeavours to Take Willy, advised it to be most prudent to desist and make offers to have the matters settled by the Justices of Sussex and Worcester Countys which the said Outten agreed by and upon its being mentioned, the said Willy also agreed; upon which this Deponant bid them Farewell; Outten and the Rest were going off without any further

Lib. J. R.
& U. S.

p. 276

Lib. J. R. to do but as they came out of the Door of the House one
 & U. S. John Sharpe and one Pennington Welch who had just come
 up Sharpe with a Hickery Stick and Welch with an Iron rod
 or Spear in their hands met them when Sharp called out what
 the Devil is here to pay, upon which this deponent desired
 him to be peaceable, as all Matters were settled, but Sharp
 still making a great to do, said, where is the Damned eternal
 Sheriff, Ill cleave him to the Earth, or words to that effect;
 Outten then just stepping out of the Doore, who having a
 Cutlass in his hand (being one that had been Taken from the
 aforesaid Mullinux) they met and after some Strokes had
 past the said Outten cut the said Sharps Stick in two and also
 gave him a wound on the Right Shoulder and left Shoulder
 Blade that during the time of Outtens and Sharpes Engage-
 ment the aforesaid Welch made a Blow at Outten which
 fell on his Left shoulder with such force, that the rod bent
 and fell Out of Welches hand when he and Sharpe made off
 and One William Connaway then present took up the Rod
 and Ran after Welch, and as this Dopenent thought would
 have beat him to the Earth had not this Deponent called out
 to him not to Strike, That this Deponent being at his House,
 the said Outten and Sundry others of his Company went
 round a small House to their Horses in order to Ride away,
 When two men rode up with Guns, and some others with
 Clubs, to whome Sharp Spake and bid them see how Outten
 had cut Him one of them Answered and said take my Gun
 and Shoot him; That Sharpe immediately took the Gun,
 cocked her and presented her towards the place where said
 Outten must pass and swore he would Shoot him as he past
 p. 277 by, Sundry of the people prompting him there to by telling
 him to Shoot; upon which this Deponent rode up to Sharpe
 and desired him not to Shoot, and requested the Other Per-
 sons to speak to him and prevent his shooting, but none of
 them woud say thing but shoot the damn'd Son of a Bitch,
 That the aforesaid Willey came down out of the Loft, and
 sundry other persons coming up, some Riding and Some
 Running Some with Guns and some with Clubs; When
 Willey called out give me a gun, and Sharp left his post and
 delivered the Gun to Willey and said shoot the Damned Son
 of a Bitch when Willy running past this deponant with the
 Gun he spoke to him to Desist, and put by the Gun, by telling
 him he thought Matters were agreed between him and
 Outten, and that Outten was gone to get his Horse in order
 to go away & Doubtless he would shoot the man in cold
 blood: upon which he being something past this depon^t he
 turned about and looked him full in the face for some time
 when by his stand he first Expected he wou'd not shoot,

but before he turned from him by his Countenance this deponent thought himself in Danger: but at length this deponent heard several voices behind him saying shoot him, some saying if you shoot him shoot him in the legs, others said damn him shoot him in the Body; then Willey Ran to the Corner of a House cocked levelled and fired the Gun and then Turned round and Walked to his Company upon Which this deponent rode round the Corner of the House, to the place where Willey fired the Gun when this deponent saw the afs^d Outten lying on his Back on the Earth at about twelve yards Distance from the place where Willy shot that this depon^t Immediately Allighted off his horse, and went to Outten and found him with Several Shot in the Lower part of his Belly and about five minuits after which he Expired, when the afs^d Willy Sharp and Welch, With sundry of their Company went up to the Corps, and Expressed great Joy, the Company then With this Deponent being about half the number of the other Company were without Arms the Others Armed with Guns and Clubs Which Obliged this Deponent and the Company with him to be as Calm as Possible, the aforesaid Welch Damming him self if Willy wou'd ever be hurt for What he had done, and advised him to go and deliver himself up to the Court, which was then sitting at Lewes Town in Sussex County, which this Deponent after a Little reflection did also Advise the said Willey to, knowing that he with what persons were with him durst not Attempt to lay hold on him upon Which the afs^d Willey and the Active persons in his Company went away and Some of them said the Corps must remain where it was, and a Sussex Coroner be sent for which this Deponent not thinking well off he with his company did bear the Corps of the said Outten away, and this Deponent further saith, that the aforesaid Willey after Outten lay Deceased on the Ground, went up to the Corps and said that he (Outten) had got his deserts, and that he told him before he undertook the Office of under Sheriff that he would be shot or killed (but which he doth not remember) if he did; and that if he had not undertook the Office no other one would. And further This Deponant saith not.

Signed thus. I. Dennis Jun^r

Thus Subscribed

on the afs^d 13th day of Feb^{ry} Jurat Coram me
R^s Holt, Capital Jus^t et Just Pacis &c.

Copy Pennington Welches Deposition

Sussex on Delaware

The Deposition of Pennington Welch of the County aforesaid yeoman of Cedar Creek Hundred, Taken before me the

Lib. J. R.
& U. S.

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Lib. J. R. Subscriber at my House in Lewes the thirteenth day of
 & U. S. February in the 32^d year of his Majestys Reign and the year
 of our Lord one Thousand seven Hundred and Fifty nine
 This Deponent being Solemnly Sworn on the holy Evangel-
 ists did Depose and say, that on the 6th day of this Instant
 February in the morning, he was at the House of a certain
 John Sharpe Scituate in the Hundred aforesaid in the County
 aforesaid as this Deponant hath Generally heard reported,
 and that as he was going from the said House towards his
 own home he met with a certain Mary Ratcliff who told the
 Deponent that she wish'd that he wou'd ride back again to
 Sharpes for that the under Sheriff of Worcester County
 and some People with him were come to John Willys Planta-
 tion to take tie and carry him away as also a certain William
 Mullinex, and the Deponent further saith that the plantation
 of the said John Willey is Commonly looked upon and deemed
 to be, by the Inhabitants of Cedar Creek Hundred afs^d
 Within the County of Sussex aforesaid in which Hundred
 the Deponent hath lived from his Infancy he being now about
 the age of Twenty eight years, Whereupon he the Deponent
 rode back to Sharpes House and acquainted him thereof
 from whence they both immediately went, the Depon^t on
 Horseback and the aforesaid John Sharpe on Foot, unto the
 plantation of the said John Willy and being come there the
 deponent entered into the said Willys House where he saw a
 certain William Outten (then an under Sheriff of Worcester
 County aforesaid) setting down at the fire side and the afs^d
 John Willy standing up in the Loft of his s^d House with a
 round Stick in his hand but of what Size he doth not re-
 member, and that his mouth was bloody and looked bruized
 but how occasioned the Deponant knoweth not, upon which
 the Depon^t went out of the said House into the yard thereto
 belonging where he saw the aforesaid John Sharpe with a
 common Walking Stick in his hand and heard him say,
 Where is the Sheriff that is come to take these people away
 And that the aforesaid William Outten came out of the
 aforesaid House with a drawn cutlass in his hand with which
 he saw him Strike the aforesaid Sharpe Some Strokes one
 of which cut the said Sharps Coat upon the right Shoulder
 others of them cut the said Sharps Stick (wherewith he was
 Defending himself) asunder and another of the said Strokes
 p. 279 wounded the s^d Sharpe on his left Shoulder to a Considerable
 Depth, the Deponent further saith that at that time he had a
 Small Iron Rod in his hand, and seeing the afs^d William
 Outten making an Offer to Strike the said Sharpe again with
 the said Cutlass, he went up and gave the said Outten a blow
 between the two Shoulders with the s^d Rod, upon which the

said Sharpe went away; and then the Deponent saith that the aforesaid Outten made Some passes at him with the said Cutlass and Also attempted to Strike him therewith, upon Which the aforesaid Willys Wife then in the said yard Laid hold of the said Outtens Arm in which he held the Cutlass afs^d Whereupon the afs^d Outten left the Deponent and followed after the Afs^d John Sharp, but did not over take him the afs^d Sharpe being at that time about 50 yards from the aforesaid Willy's House, soon after which the Depon^t saith that some people called out to the said Sharp to Stop, that they might see his wound and dress it. Whereupon he stood still till they came up with him and then he heard some of the said People say to the said Sharpe, the aforesaid William Outten is coming after him again; And he further saith that some person (to this Deponent unknown) put a gun into the said Sharps hands Wherewith to defend himself, but that he did not see the said Sharpe either cock the said Gun or make any use of it, and there being at that time a great Outcry among the people then Present, he saw the afs^d John Willy come out of the back doore of his House and come up to the place where the said Sharp and Several others were standing and when he said Willy was there he heard him say to the said Sharpe give me the Gun and I will shoot him (the said Outten meaning as this Depon^t believes) for he has broke open my House and used me and my Wife very ill, but how he got the Gun from Sharpe afs^d the Depon^t knoweth not, but when the aforesaid Willy had gotten the said Gun, he went towards a small House of his own called the Weaving House, and when near it he saw him walk along one side of the said House while the aforesaid William Outten was Walking along the other side, until they Came to be face & face to each other, and were about ten yards a sunder the said Outten at that time holding the afs^d cutlass drawn in one of his hands whereupon he saw the said Willey cock, present and fire off the said Gun, but being a Little distance behind him the Smoak thereof prevented his seeing the said Outten, when he fell, but a Little while afterwards, he went to the place where the Body of the said Outten lay and saw that he was then dead, and further saith, that the said Willy seemed very much afrighted and heard him say, I did not think to have killed the Man, And further this Deponant saith not

Signed thus his
 Pennington X Welch
 mark

On the day and the year above mentioned thus Subscribed.
Jurat Coram me R^s Holt, Capital Jus^t et Jus^t Pacis &c.

Lib. J. R. The above and foregoing are true Copies of Originals in
& U. S. the Secretarys Office of Pensylvania

Richard Peters Secry.

p. 280 Sir

Your Excellencys Letter of the 19th of February last came to my hands on the last day of the Last month and having previous thereto on the 16th received a Letter from M^r William Hayward (herewith inclosed) relating to the murder Committed on the Body of William Outten Sub Sheriff to Benjamin Handy Sheriff of the County of Worcester, and also mentioning something of the proceedings of the Magistrates of Sussex County in consequence thereof on the 19th I sent Express a Letter to M^r Joseph Collins one of the Magistrates in the upper part of Worcester County (a Copy Whereof is herewith also inclosed) in pursuance to the proceedings Directed by that Letter, and in obedience to your Excellency I went up to Worcester County Court the 7th Instant and contined there till the 9th Inclusive taking of Depositions of many people in regard to that unhappy Affair: I have endeavoured from record and Depositions, to illustrate the Different points required, so far as in my power considering the Remoteness of the places from whence the Evidence was to be called. As to the proceedings by some of the Magistrates in Sussex County in regard to the Examinations and Depositions by them Taken touching this Fact, you will perceive Sir by M^r Haywards Letter they have been pretty Extraordinary and these I suppose were transmitted to the Governor of Pensylvania

Their Court of Quarter Sessions happen'd to be setting at the Time this Fact was Committed and when Willey fled to Lewis Town and there the persons named in the inclosed List who were of Outtens Company (and one Andrew Collins Son of Andrew Collins who was not present) are all indicted as rioters by the Grand Jury, Where Willy the murderer was Admitted a Witness if not the principal one as I am informed to Support the Charge

As to Obtaining the minutes and proceedings upon their records relative to this Business, I have reason to believe it of Little purpose to Attempt.

I can but observe Sir that the source of these Evils have in a great measure taken their Rise since the Running the West Line; from the Surveyor of Sussex County Incroaching and making clandestine surveys within the ancient reputed Bounds of Maryland in these parts; and I have been told that even unjustifiable practices have been Lately used to Spirit up the people living to the Northward of that Line to refuse

Payment of Rent to L^d Baltimore or Taxes under his Gov-
ernment, though this is a Matter I wont assert, but have
given Directions to one of the Worcester Magistrates next
Adjacent to make Diligent enquiry, and if found true to take
proper Depositions and send them to me in order to be Trans-
mitted to your Excellency:

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& U. S.

This Sir you may observe from the Deposition of John
Pollock, that the place where Willie lived, and the Murder
committed was Surveyed by one William Shanklin Surveyor
of Sussex about five years ago, and by the Whole Scope of
the Depositions, is within the Ancient reputed Boundaries
of Maryland. p. 281

There are two persons to wit, John Sharpe and one Penn-
ington Welch who seem highly criminal in this matter who
are said to be Likewise retired into Sussex County for Pro-
tection, therefore it is to no purpose here to Issue process
against them, but presume when Instances are made for
Delivery up of Willey the Like will be also made for the
other two and by the best Intelligence I can gain Willie is so
Carelessly confined that he may make his Escape without
Difficulty.

Upon the whole those Borders seem in a very disturbed
Scituation and it would greatly contribute to the peace and
quiet of both Governments if their Limits were well Settled
but in the mean time the ancient reputed Ones ought to be
Submitted to.

Somerset County March 27. 1759. I am with all due Regard.

To his Excellency, the Governor Your Excellencys faithfull
of Maryland.

and most obed^t Humble Serv^t

Rob^t Jenkins Henry

Somerset County Feb. 19th 1759.

Sir

A day or two past I have received certain Intelligence that
one William Outten Sub Sheriff to Major Benjamin Handy
Sheriff of Worcester County in the Execution of his Office
has been Lately killed by one John Willy who has fled into the
County of Sussex, and delivered himself up there, in order to
be protected from the just Inquiry and Punishment that so
great an offence Demands in every civilized State & even in
the Case of Borderers, such savage Barbarities ought to be
Discouraged by the Civil Magistrate, and meet the Detesta-
tion of every person not void of common Humanity; and for
as much as I am informed that the above Fact has been
committed within the Reputed Bonds and Limits of Wor-
cester County and of consequence properly and legally to be

Lib. J. R. enquired into and Determinable in this Government I think
 & U. S. it Adviseable for you as one of the Justices of the said County
 of Worcester to call before you the Several persons under
 mentioned who I am informed are proper Evidences upon
 this Occasion & bind them by Recognizancis to Appear at
 next Worcester County Court to give Evidence against the
 said John Willey and also any persons that you may think
 Material Evidences to Testify in regard to the Bounds and
 Limits Between the Counties of Worcester and Sussex and
 in my apprehension Francis Newbald John Polk and Some
 Other of the eldest Settlers in that part of the County may
 p. 282 give the best light into that matter and Likewise are knowing
 of the place where the Fact was committed, and this in the
 present Case seems necessary, because the Point of Jurisdic-
 tion is likely to be in Question.

I make no Doubt of your doing every thing in your power
 Consistent with your office yet as it is an uncommon affair I
 think it my Duty to give this Intimation to you

& am Sir your Hble Servant

Gerrard Hitchins, Moses Timmons Rob^t Jenkins Henry
 John Kelly, William Winright,
 Peter Dolby, William Conaway,
 Levin Disharoon, John Outten
 Elizabeth Long. P. S. Col^o John Dennis he will be at Court.
 To M^r Joseph Collins in Worcester County.

A List of Persons Indicted by the Grand Jury at a Court
 of quarter Sessions for the County of Sussex in February
 Sessions 1759. Viz^t

Gerrard Hitchins, John Collins Son of Andrew Collins,
 Moses Timmonds John Kelly, William Winwright Peter
 Dolby, Col^o John Dennis, William Connaway, Levin Dishar-
 one John Wooten Eliz^a Long

In the Proceedings of Worcester County Court among
 other things it is contained as followeth Viz^t

Worcester to wit, At a Court of his Lordship the Right
 Honourable Frederick Absolute Lord and Proprietary of
 the provinces of Maryland and Avalon Lord Baron of Balti-
 more and so forth. Held at Snow hill Town in and for the
 County aforesaid the first Tuesday of November to wit the
 seventh day of the same month in the year of our Lord one
 Thousand seven Hundred Fifty and Eight, Before John
 Henry Esquire and his associates then our Justices of the
 County aforesaid. The Grand Inquest for the Body of the
 County, being Legally Impanneled and quallified present to
 the Court the following Indictment by them found against
 the several Persons hereafter named, the Tenor of which
 Indictments are as followeth Viz^t

The Jurors for his Lordship the Right Honble the Lord Proprietary that now is for the Body of Worcester County upon their Oath present that John Willey late of Stepney Parish in the County aforesaid Planter on the XIX day of June Anno Domini MDCCLVIII being then and there and in the Hundred of Nanticoke a resident taxable Person, and the master of a Family by John Houston Jun^r one of the Constables of the County and Hundred aforesaid duly quallified and sworn then and there was required to Deliver unto him the said John Houstin according to the Act of Assembly in such Cases made and provided a just List of his Taxables, which the said John Willey to do altogether refused and then and there did Secrete Conceal and Refuse to give in unto the said John Houston, himself as a Taxable Person to the Evill Example of all others in such cases Offending, and against the Peace of the Right Honourable the Lord Proprietary that now is his good Rule and Government, & against the form of the Act of Assembly in such cases made and Provided & so forth

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W^m Hayward for Prop^{ty}

Witnesses John Houston Ju & Will^m Allagood.

Indictments also Verbatum with the above found severally against Ezekel Joynes, Walter Kimmy, Edmond West, Daniel Hopkins, Elijah Collins, John Lane Thomas Passwaters, Barnitt Kirk, William Lofley, James Ingram, John Sharpe, Evan Morgan, Richard Cubberdel, Richard Cubberdel Jun. John Cubberdel, John Cubberdel Jun. Thomas Daughters, William Daughters and William Mullinux Upon which several Indictments (by the Courts order) were Issued the usual Process against the several Delinquents Returnable to March Court Anno Domini one Thousand Seven Hundred Fifty and Nine, which process by the present Sheriff to wit, Benjamin Handy Gent, are all Returned Non est Inventus except the precept on the Indictment against William Mullinex aforesaid which is by the Sheriff aforesaid returned in these words following to wit, I hereby Certify to the Justices in the Within Writt mentioned that I executed the Same on the Body of the Within named William Mullinex and that he immediately by force rescued himself out of my Custody.

I hereby Certifie that these are all the Proceedings by the County Court of Worcester, relative to the before mentioned Persons that appears on Record.

In Testimony whereof I have hereto set my
[Seal] hand, and affixed the seal of the County of Worcester this 12th day of March Anno Domini 1759.

H^y Johnson Clk of
Worcester County Court

Lib. J. R. Maryland Worcester County to wit
& U. S.

Benjamin Handy Gent, High Sheriff of Worcester County aged Thirty four years or thereabouts being Sworn on the Holy Evangels of Almighty God Deposeth as Follows That this Deponent after his quallification as high Sheriff of the County aforesaid to wit about the Twenty fifth of December Last did Appoint William Outten said to be murdered by John Willey as one of his Sub Sheriffs to Act in the Upper part of Worcester County and sent him to M^r Allegood one of the Majestrates of the said County in order to be qualified as Sub Sheriff and that on the same day he this deponent did Deliver unto the said William Outten Sundry precepts to be by him Executed amongst Which was One against the said John Willey and that the afs^d William Outten from the aforesaid Twenty fifth day of December untill the Time of his being murdered continued to Act as Sub Sheriff to this Deponent, and further this Deponent saith not

Benjamin Handy

Taken and sworn the 8th day of March 1759 before me
Rob^t Jenkins Henry.

Maryland Worcester County to wit

William Allegood of Worcester County Gent aged Fifty Four years or thereabouts being sworn on the Holy Evangels of Almighty God deposeth as Follows. That this Deponent being one of the magistrates of the County aforesaid was on or about the Twenty fifth day of December Last applied to by William Outten (said to be Murdered by one John Willey) to quallifie him as a Sub Sheriff to Benjamin Handy Gent High Sheriff of the County aforesaid, that he this Deponent accordingly did Administer unto the said William Outten the Oath of his Office, and would have then caused him to have taken the Several Oaths to the Government and Subscribed the Test in his presence had he this deponent been possessed of them, but not having them by him was prevented to Quallifie the said Outten any further then what is before mentioned, and this Deponent further saith not,

Will^m Allegood.

Taken and sworn the 8th day of march 1759 before me
Rob^t Jenkins Henry.

Maryland Worcester County to wit

William Connaway of Worcester County aged Twenty eight years or thereabouts being sworn on the Holy Evangels of Almighty God Deposeth as follows. That he this deponent with sundry others on the Sixth day of February Last at

the request of William Outten Sub Sheriff to Benjamin Handy Gent, High Sheriff of the County aforesaid went with the said William Outten to Assist him in the Execution of sundry precepts one of Which was against one John Willy that on their way to the House of some of the persons for whom the said Outten had precepts it was agreed that the Company should Divide and one part proceed to the House of One Mullinex and the other part to The House of the said John Willy which was accordingly done, that the said William Outten with one part of the Company went to the House of the said John Willey and the other part (one of which this deponent was) went to the House of the said Mullinex that after Some time this Deponent with those that were with him Left the House of the said Mullinex and went to the House of the said John Willy where they found the said William Outten with the others his Company the said John Willey being then up the Loft of his House and the said Outten Endeavouring to Take him by making an Attempt to get up through a Vacancy of two or three planks (the Loft not being Covered by that many) but Without effect as the said Willey Struck at him with a Large Stick when col^o John Dennis who was then present Proposed to the said William Outten and the said John Willey that all endeavours to take the said John Willy should be Stopt and the Matter referred to the Magistrates of Worcester and Sussex Counties to be by them Amicably settled which was readily agreed to by the said William Outten and the said John Willey upon which the said John Willey requested the said Outten and all those with him to sit down, which they or the Greatest part of them did that in a very Short time afterwards when the said William Outten with all those who were in Company with him were about to return home without any further to do in the matter a certain John Sharp and Pennington Welch Came up, Sharp with a Stick in his hand and Welch with an Iron rod, Sharpe calling Out where is the Damn'd Sheriff I will Splitt him to the Earth or words to that Effect upon which Outten went out of the House (he not having gone out untill then) with a Cutlash (which had that day been Taken from the afs^d Mullinex) in his hand that then the said William Outten and John Sharpe engaged and after Several Strokes had passed Between them, the said Welch made a Stroke at the said William Outten which fell on his Shoulder with such Violence that the Rod did bend and fly Out of the hand of the said Welch when both Welch and Sharpe ran off but as Sharp turned to run Outten made a Stroke at him which wounded him on the Left shoulder upon which the Engagement ended and the said William

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Outten with those that were in Company with him went to get their Horses in order to Return home but that sundry Persons immediately came up Some with guns and some with Clubs upon which a Little girl (which this Deponent took to be a Daughter to the said John Willy) run to and told the said John Willie that two or three Guns more were come upon which the said Willie said he would and did go out of his House and called out give me a Gun and I will shoot the son of a Bitch upon which the said John Sharpe gave a Gun to the said Willie and bid him shoot, upon which some of the Company who had Come (as this Deponent supposeth) to oppose the Sheriff called out if you shoot shoot him in the Legs but Sharpe called out Damn him shoot him in the Body, that the said John Willey went round the House with the Gun in his hand in a very short time after which this Deponent heard the report of the Gun when he went round the House & there saw the said Outten lying on the Earth, having received a wound on the Lower Part of his Belly and in about
p. 286 five or Six minuits expired that then Several Persons of Willys party Walked up to the Corps as it Lay on the Earth and rejoiced much at the Action one of Whom whose name this Deponent doth not know said that it was a Well done Action of Willey in Shooting the said Outten and that he had saved him the Trouble of doing it himself and further this Deponent Sayeth not

William Conaway

Taken and sworn the 8th day of March 1759
before me, Rob^t Jenkins Henry

Maryland Worcester County to wit.

Moses Timmons of Worcester County aged Thirty years and Upwards being sworn on the Holy Evangels of Almighty God Deposeth as Follows. That on the sixth day of February Last past this Deponent was Summoned by William Outten Sub Sheriff to Benjamin Handy Esq^r High Sheriff of the County aforesaid to Assist the said Outten in the Execution of a precept, directed for the Execution of the said Sheriff against a certain John Willey, that this Deponent after his being Summoned as aforesaid was directed by the said Outten to go with a certain Gerrard Hitchins to the House of the said Willey and for him the said Hitchins to take with him a Writt (which this Deponent from the Conversation that passed understood to be a Writt directing the Sheriff of the said County to take the Body of the said Willey) and directed the said Hitchins and this Deponent that in Case they found Willey at Home that one of them should Come out of the House of Willey and out of the Sight

of the Family of the said Willey and Wave his hat which should be a Sign of the said Willeys being at home to the said Outten who was to wait in sight of the House, and this Deponent further saith that he and the said Hitchins agreeable to the Directions afs^d went to the said Willeys House where they found him at home, and who upon their Enttring in the House asked them to sit down that this Deponent after being a Small time in the House went out to give the Sign aforesaid and saw the said Outten Riding up with Several Others to the House and immediately heard Willey who was at that time in the House say theres the Sheriff Come this morning if I had a Gun I would shoot him off his Horse and the said Willey Shut the Doore upon which Outten turned about with those that were with him and rode away from the plantation of the said Willey after Which the said Willey opened his Doore and asked this Deponent and the said Hitchins (who also was at that Time without Doores) again in his House and the said Willie immediately Desired two young Women that were at his House to take two Horses that were near the House and Ride to the Neighbours and Inform them that the Sheriff was Come up and that he would Take him the said Outten dead or alive that day and carry him to Lewis Town and ordered two Small Children to go and Inform others in the Neighbourhood and ordered his Wife to go to Israel Coverdals and give Word to John Sharpe for to come to his House in Order to take Outten that day that the said Willey afterward when his Wife was about to go as before ordered he took his Saddle and said he would go himself for he could make most haste and as the said Willey was going off the said Gerrard Hitchins served the Writt afs^d on him in pursuance of the Directions which this Deponent heard the said Outten give the said Hitchins for that Purpose. And this Deponent further sayeth that as soon as the said Hitchins had arrested the said Willey the said Willie Attempted with great force to escape from him and Struck Hitchins Several Strokes and after a Struggle of Some Time escaped from Hitchins and got in his House and shut the Doore upon which this Deponent and the said Hitchins Left the House of the said Willie and Returned to Outten and the Others who were with him who were then at a Small Distance from the Plantation of the said Willey and Acquainted said Outten of the Service of the Writt aforesaid and the Escape afs^d as afs^d and this Deponent further sayeth that the said Outten this Deponent and all those that were with him went to the House of the said Willey which being Shut up the said Outten asked of him to Open the Doore and upon his refusing it, the Door was broke open but by whom this

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Lib. J. R. Deponent does not know, that when the said Outten with his
 & U. S. Party went into the House Willey was up the Loft and stood
 Over a Vacancy that was in the plank that made the Floore
 of the Loft and with a Large Stick about the Length of Six
 feet Kept off the said Outten who was attempting to Take him
 that as soon as Outten Attempted to get up the said Vacancy
 the said Willey Struck at him with the Stick aforesaid when
 Col^o Dennis who was then present proposed to the said
 William Outten and the said John Willy that all endeavours
 to take the said Willey should be Stopped and the matter
 Referred to the Magistrates of Worcester and Sussex Coun-
 ties to be by them Amicably settled which was readily agreed
 to by both the said William Outten and the said John Willey
 upon which the said John Willey requested the said Outten
 with all who were in Company with him to sit down which
 they or the greatest part of them did, that in a very short
 Time afterwards when the said Outten and those that were
 with him were about to Return home, without any farther to
 do in the matter a certain John Sharpe and Pennington
 Welch Came up Sharpe with a Stick in his hand and Welch
 with an Iron rod, Sharpe calling out where is the Damned
 Sheriff I will Split him to the Earth or words to that effect,
 p. 288 upon Which Outten went Out of the House (he not having
 gone out untill then) with a Cutlass (which had that Day
 been Taken from a Certain William Mullinux) in his hand
 that then the said Outten and Sharpe Engaged and after
 Several Strokes had passed between them, the said Welch
 made a Stroke at the said William Outten which fell on his
 Shoulders with such violence that the rod did Bend and fly
 out of the hand of the said Welch, when both Welch and
 Sharpe run off but as Sharp Turned to Run Outten made a
 Stroke at him which wounded him on the Left Shoulder upon
 Which the Engagement ended and the said William Outten
 with those that were in Company with him went to get their
 Horses in order to Return home but that Sundry persons
 immediately came up some with Guns and some with Clubs
 upon Which the said John Willy came out of his House and
 called out give me a Gun and I will shoot the Son of a Bitch
 upon Which the said John Willy took a Gun and Some One
 bid him shoot upon which some of the Company who had
 come (as this Deponent Supposes) to oppose the Sheriff
 called out if you shoot, shoot him in the Legs but Sharp
 called out Damn him shoot him in the Body, that the said
 John Willy then went Round the House with the Gun in his
 hand and upon Outtens hearing some one call out he is going
 to shoot you he Turned about and the said Willey came
 within about Ten yards of Outten presented the Gun and
 Shot him, after which this Deponent & all the Company

went up to Outten who in about Six Minuits after his being Shot Expired that the Several persons of Willys party walked up to the Corps after it Lay on the Earth and Rejoyced at the Action and further this Deponent saith not

his
Moses H Timmons
mark

Taken & Sworn the 9th day of March 1759
before me Rob^t Jenkins Henry

Maryland Worcester County ss^t

Lanta Slavins of Worcester County aged Sixty years or thereabouts being Sworn on the Holy Evangels of Almighty God Depose and saith, That the place where he this Deponent now Lives was as he has been told Surveyed by the Sussex surveyor about six years ago for One William Laffland who put him this Deponent in possession thereof that to the best of his Remembrance Some time in January Last William Outten Sub Sheriff of Worcester County aforesaid Came to his House and there Arrested One William Mullinex upon a process from Worcester County Court as this Deponent was Informed for not giving himself in a Taxable of that County and Mullinex made his Escape and the same night of that Day which the said Mullinex was so as afs^d Arrested, there Came to this Deponents House the said William Mullinex, Israel Coverdale, Richard Coverdale, Matthew Coverdale, John Coverdale son of Samuel, John Lane, Pennington Welch John Sharpe Elijah Collins, John Willey who hath since it is said killed the said Outten and Solomon Willy who say'd they were come by order of Nehemiah Draper a Magistrate of Sussex County but had not any Warrant in Writing to Seize the said Outten and were much enraged against him and the said John Sharp, Pennington Welch and James Ingram said they would kill the said Outten if he should come to take them, other sayed they would carry him to Lewis Town & some sayed they would stamp him, that on Sunday the Fourth day of February Last past the said Outten came to this Deponents House where was then John Collins, Elijah Collins, Job Smith, John Smith Adam Short and John Willy above mentioned sayed to have killed Outten, and one Richard Coverdale, who said he had a Warrant from Isaac Watson and Nehemiah Draper Justices of Sussex County to take said Outten or any other Maryland Officer who should Come to take any of the Bordering men the said Outten Demanded a Sight of that Warrant but the said Richard Coverdale refused it, That said Coverdale proceeded to arrest the said Outten which he did in his Lordships Name, but afterwards recalled and made the arrest in his Majesty's

Lib. J. R.
& U. S.

p. 289

Lib. J. R. Name, and Demanded Assistance but all then present refused
& U. S. Except the said John Willy, that there was some scuffling
Between Coverdale and Outten who refused to submit to
their Authority unless they compelled him and afterwards
they went away and Left Outten and further this Deponent
sayeth not

Lanty Slavin

Taken & Sworn the 8th day of March 1759
before me Rob^t Jenkins Henry

Maryland Worcester County to wit,

Abraham Ingram of Worcester County aged Thirty Eight
years or thereabouts being sworn on the Holy Evangels of
Almighty God Deposeth as follows.

That this Deponent has all his Lifetime resided in the
province of Maryland near the Borders of Sussex County
called one of the three Lower Counties upon Delaware that
at a Branch called Lockleys Drain has always during the
Time of his knowledge been Deemed the Boundary between
the said province of Maryland and the said County of Sussex
and this Deponent further says that he well knows the place
Where One John Willey Lived at the Time it is said he killed
p. 290 One William Outten and where the said Fact was committed
and that the same is at Least one Mile and an half Within
the Bounds of Maryland, and that John Sharpe and Penning-
ton Welch live upon the West side of Gravelly Branch which
Issues out of the Nanticoke River and that the Habitations
of the said Sharpe and Welch at the time of the killing were
as also within the Ancient Reputed Limitts of the said Prov-
ince of Maryland and further this Deponent sayeth not

his

Abraham [^]+++ Ingram
mark

Taken & Sworn the 8 day of March 1759 before me
Rob^t Jenkins Henry

Maryland Worcester County ss^t

John Pollock of Worcester County Gent aged Fifty years
or thereabouts being sworn on the Holy Evangels of Al-
mighty God deposeth as Follows.

That he this Deponent lived at the Plantation he now lives
at upwards of Thirty years and held his Rights under the
Lord Baltimore and paid his dues always in the province of
Maryland, and that he this Deponent for thirty years Last
past and upwards always understood as well from the In-
habitants of Sussex County as from the Inhabitants of

Maryland that the reputed Line or Division Between the province of Maryland and Sussex County run from the plantation of Abraham Ingram Scituate on a Beaver Dam, and is the same plantation where this deponent has always understood from the Bordering people that the Dispute arose on between Adam Mecor and Bethel Watson about the seniority of their grants and that the reputed Bounds of Pensylvania and Maryland Run from the said plantation abot three Miles West to the plantation of George Bishops, who held himself in Maryland and from thence North to Edward Carys about one Mile distance who held himself in Pensylvania and from thence Northerly to the plantation Where Margaret Cronin now lives on and that the Plantation where John Willys lives on (whom this Deponent heard Shot the Under Sheriff William Outten) lives about one Mile to the Southward of the said George Bishops Plantation which said Willys Plantation was about five years Last past Surveyed by William Shanklin Surveyor of Sussex County for Ephraim Pollock in the presence of this Deponent who was by and present at the making the said Survey and that to the Southward of the said Bishops plantation, to his knowledge for thirty years Last past was never claimed as any part of pensylvania till Since the Running of the West Line from Fenwicks Island and further this Deponent saith not
Taken and Sworn the 9th day of March 1759 before me
John Pollock
Rob^t Jenkins Henry.

Maryland Worcester County to wit

Andrew Collins of Worcester County aged Forty seven years or thereabouts being Sworn on the holy Evangels of Almighty God Deposeth as follows That this Deponent resides about two miles to the Southwestward of the Drains of Nanticoke River which this Deponent hath been Informed was the Division between the two Governments of Maryland and Pensylvania and hath understood the Same ever since this Deponent Resided there which hath been about Twenty six years past and further saith that a Certain John Willy (who as it is reported shot William Outten one of the Sub sheriffs of Worcester County) lives About twoo miles to the northwestward of this Deponent, and Also to the Westward of the Drains afs^d and hath always understood the said Willey Lived within the Reputed Ancient Lines of Maryland and this Deponent further sais that to the best of his Remembrance about Twenty years ago there was one John Willy Uncle to the above named John who wanted to take up apiece of Land under Lord Baltimore near to which

Lib. J. R. the Last mentioned John Willy lived at the Time said Outten
& U. S. was killed and being Threatned that the Surveyor of Sussex
County was coming then to survey the same Land for one
Anthony Person one Thomas Gillis then a Magistrate for
the then County of Somerset hearing thereof Issued his
Warrant directed to this Deponent to take and arrest the
Surveyor of Sussex or any other person that should Come to
make the said Survey (or any other in that part) in pursu-
ance to any Authority from Pensilvania and him to bring
before the Justices of the County Court of Somerset in the
province of Maryland, but to this Deponents knowledge no
such Surveyor ever Come, and further this Deponent sayeth
not.

Taken & Sworn the 8th day of March 1759 Andrew Collins
before me Rob^t Jenkins Henry.

Somerset ss^t

The Deposition of William Gray of Worcester Planter
aged Fifty five years or thereabouts being Sworn on the
Holy Evangels of Almighty God Deposeth and saith That
this Deponent upwards of thirty years past acted as a Sub
Sheriff in Somerset County under M^r Francis Allen and the
District appointed for this Deponent was in the Upper end of
the County which is now in Worcester County and he was
then directed by the Justices of Somerset County how farr
he should Act in his Office and not to intrude upon the Lines
of Pensylvania and he was directed to Act so far as not to
Include the persons following to wit, John Davis Jacob
Stockley, Eleanor Dopson, John Lofley who were all Sup-
posed to Live on the Borders of Sussex and on the Eastern-
most side of the Drains of Nanticoke and from thence to the
maple Marsh and from thence to Include the Owinss who
was supposed to Live in Maryland and that he accordingly
Acted agreeable to the aforesaid Directions and that Sundry
persons to the Southward of the Limits aforesaid Acknowl-
edged themselves in Somerset County and were Subject to
the Laws of Maryland during the Time he acted as Sheriff
afs^d which was some years and he further saith that about
Twenty eight years Since this Deponent was appointed by
Somerset County Court as a Surveyor of the High way and
that the precints which he was directed to Clear was from
broad Creek to Gravelly Branch and from thence to Clear
Bridle Roads where needfull as far as the Limits of Mary-
land and that Alexander Draper who lived in Sussex County
but had Taxables who Lived at a Mill Built on the Run of
Deep Creek and that the said Draper agreed that if this
Deponent would not call his lands as Low as Broad Creek

that he the said Draper would Clear from the Mill afs^d as far as Maryland Extended which was as far as Lofleys Drain or Bridge which he accordingly did and sayeth that the said Bridge is over one of the Drains of Gravelly Branch, and that the said Draper Informed him that the said Bridge was the Division of Maryland and Pensylvania and further sayeth that he this Deponent hath since Outten was killed been at the place where the said Murder was done and that the said place is two miles to the Westward of the said Drains and Within the Reputed Lines of Maryland and he further sayeth that about the Time of the Division of Somerset County a Certain James Martin who was one of the Representatives of Somerset County in Order to know the Extension of Maryland applyed to this Deponent for that purpose saying that it would be Necessary as a Guide in the Division of the County on which this Deponent Informed him agreeable to the above recited Boundaries and further saith that he also Acted as Subsheriff (after his Acting for M^r Allen) under M^r John Purnel some time and that he also Acted as far as the Limits aforesaid and the Inhabitants to the Bounds aforesaid Continued Subject to the Laws of Maryland as before and further this Deponent sayeth not

W^m Gray.

The Above Deposition was sworn to before me one of his Lordships Justices for Somerset County the 21st day of March Anno Domini 1759

Tho. Jones

Maryland Worcester County to wit.

Joseph Collins of Worcester County Gent. aged about thirty four years being sworn on the holy Evangels of Almighty God Deposeth as follows That a few years after Erecting of the County of Worcester this Deponent was riding from Gravelly Branch in Worcester County to Cedar Creek in Sussex County and did not see any Houses as he past through the Forrest untill he past over a Bridge called Lockleys Bridge to the plantation of one Cornelious Lockley near thereto in the County last mentioned where he called and amongst other Discourseys this Deponent then had with the said Cornelius this Deponent asked him whether he lived in Worcester County or in Sussex County he made answer and said his House was the first House along that Road in Sussex County and told this Deponent that as soon as he came Over the Bridge above mentioned he entered into Sussex County and that the Westernmost side thereof was Worcester County and further told this Deponent that the Branch over

Lib. J. R.
& U. S.

Lib. J. R. the said Bridge Issued out of Nanticoke River came up by
 & U. S. Abraham Ingrams and that Was the then deemed Boundary
 in that part between the said Counties and this Deponent
 further says that he has Since been Informed by other per-
 sons that the said Branch Runs up to a place called Maple
 Marsh, and that he this deponent a few years past was a
 Special Bailiff of Ephraim Waggaman then Sheriff of Wor-
 cester County to serve some precepts upon persons Residing
 and Inhabiting near the upper Borders of the said County &
 had Occasion to enquire of Sundry Persons in that neigh-
 bourhood in Regard to the Deemed Boundaries between the
 afs^d Counties that he might act Safely in the serving the
 Process afs^d and this Deponent was told by them that he
 might Safely Act to the West ward of any of the Dreans of
 Nanticoke and Some of the said processes he served particu-
 larly one precept on one David Ingram and before he served
 it he asked the said Ingram whether he lived in Maryland
 who said he did and tho there was a small Dreaan of Nanti-
 coke to the Westward of his Plantation yet the Main Dreaan
 was to the Eastward thereof and further this Deponent
 sayeth Not Jas. Collins

Taken & Sworn the 9th day of March 1759
 before me Rob^t Jenkins Henry.

Maryland ss^t } John Shoot of Worcester County
 Worcester County } Planter aged Fifty four years or there
 abouts being sworn on the Holy Evangels of Almighty God
 Deposeth as follows, That this Deponent has for about thirty
 or thirty five years Last past lived at or near a place called
 and known by the name of Deep Creek towards the head of
 the New County of Worcester and then being in Company
 with Sundry Persons one Henry Toadwine and John Cald-
 well commonly then Distinguished by the Name of Tusaky
 John Caldwell who this Deponent was Informed were horse
 Rangers for the then Somerset County the said Henry come
 with a Mare they had Caught in Ranging and having been
 asked by one of the Company where they had caught that
 Mare the said Henry Answered, that they had Caught her
 on this side the Drains of Delaware in the said County
 of Somerset at a place then and still called and known by
 the Name of Horse Savanah which this Deponent was
 then unacquainted with, but Since hath been well known
 to him, and this Deponent further says that he has been
 near but not at the place where he is Informed one John
 Willy Lived at the time it is sayed he killed William Out-
 ten and where that fact is sayed to be Committed and this
 Deponent Verily believes that where the said fact so as

aforesaid is said to have been done is one Mile and the half of one mile within the Bounds of the province of Maryland as they have been always deemed for thirty or thirty five years Last past and this Deponent further says that the place Where one John Sharp lived at the Time the said Outten was killed is Within the reputed Bounds of Maryland at least three quarters of a mile and this deponent Also Says that about Fifteen years ago by one Abraham Ingram who lived to the Eastward of the said Sharps and near the Bounds of Sussex, he was told that he was allowed for the Heads of the Wolves he killed by the then County of Somerset in Maryland, and this Deponent also says that about a Fortnight before Outten was killed he saw the above Named John Willey and one Coverdale as he was Informed at Lanta Slavens House five or Six Miles within the Bounds of Maryland with Clubs and Willey at his first Coming enquired for Outten, sayed he would not be Taken by the Maryland Officers and that he would die before he would and if he could not help him Self and his Backers failed him he must Suffer, and further this Deponent sayeth not

Lib. J. R.
& U. S.
p. 294

his
John I S Short
mark

Taken & Sworn the 7th day of
March 1759 before me
Robert Jenkins Henry.

Maryland Worcester County to wit

John Laws of Worcester County in the Province of Maryland Gentleman aged Forty four Years or thereabout being Sworn on the Holy Evangels of Almighty God Before me Robert Jenkins Henry one of the Right Honble the Lord proppry his Justices of the provincial Court of Maryland Depoeth as follows, That about Fifteen years past this Deponent settled towards the head of Worcester County under a Grant from the Lord Baltimore and having Occasion to make Inquiry into the then Deemed Boundaries, Between the said County in the province of Maryland and the County of Sussex under the pensylvania Government from Sundry Persons who were older Setlers in that part of the Country then him self was told by them that a Branch Issuing out of Nanticoke River called Tuseky Branch was the Devisional bounds in that part between the said Counties and there have been some surveys made under the Lord Baltimore to the North Eastward of the said Tuseky Branch, and within Nine years Last past some Surveys have also been made to the South westward by the Surveyor of Sussex County, and this Deponent further says as to the place where John Willey lived at the time William Outten is say'd to be killed by him

Lib. J. R. and the place where he has heard that Fact was Committed
& U. S. he cannot tell whether the Same is within the Bounds of
Worcester County or Sussex because this Deponent is unac-
quainted how the said Branch runs and further this De-
ponent sayeth not

Taken & Sworn the 7th day of March 1759 John Laws
before me Rob^t Jenkins Henry

p. 295 Somerset ss^t

The Deposition of John Spicer of Worcester County Planter aged Twenty nine years and upwards being Sworn on the Holy Evangels of Almighty God deposeth and saith, That this Deponent hath resided in Worcester County near the Borders between Worcester County in Maryland and Sussex County in Pennsylvania for seventeen years Last past and this Deponent farther sayeth that during all the Time aforesaid he hath understood that the Drains of Gravelly Branch to be the Division between Maryland and Pennsylvania, the Land on the East side of the said Drains to be in Pennsylvania & the Lands on the West side of the said Drains to be in Maryland that he this Deponent in the year of our Lord Seventeen Hundred and forty nine was appointed by Worcester County Court Constable of the Upper Hundred of the said County which Adjoins to the said Borders and this Deponent further sayeth that while he Continued to be Constable as afs^d all persons on the West Side of the said Drain give themselves in as Taxables in Maryland and were reputed Inhabitants of Maryland and in every thing Submitted to the Government of Maryland and this Deponent further saith that he knows the place where William Outten was killed by John Willy (as reputed) and says that the same place is near two miles to the Westward of the said Drains and this Deponent further sayeth that during the Time he was Constable as aforesaid there was delivered to him a Warrant to take a Certain Richard Coverdale Jun. (which Coverdale as this Deponent has heard was one of Willies party at the time Outten was killed) that the said Coverdales Plantation at that Time lay Adjoining to the said Drain on the West side thereof and that the House of the said Coverdale was about two Hundred yards from the said Drain and that this Deponent was going to the House of the said Coverdale to Serve the said Warrant and that the said Coverdale seeing this Deponent run from his House through his plantation and crossed the Drain and as soon as he had crossed the Drain and got to the Easternmost Side thereof he stopped and sayed you cannot take me for I am in Pennsylvania

John Spicer

Somerset County to wit.

Lib. J. R.
& U S.

Be it Remembred that at a Court of his Lordship the Right Hon^{ble} Frederick Absolute Lord and proprietor of the provinces of Maryland and Avalon Lord Baron of Baltimore &c. held at Princes Ann Town the third Tuesday in March being the Twentieth day of the same month Anno Domini One Thousand Seven Hundred and Fifty Nine before Isaac Handy Esq and his Associates Justices of the same Court in Court Judicially sitting Came the above John Spicer and made Oath on the Holy Evangelists of Almighty God that what is contained in the above and Within Instrument of Writing is Just and True to the best of his knowledge

p order Thomas Hayward Jr Cl Cor Corsen

Maryland Worcester County ss^t

p. 296

Thomas Hinders of Sussex County upon Delaware aged Thirty five years or thereabouts being Sworn on the Holy Evangelists of Almighty God Deposeth as follows. That this Deponent was born in the Head of Dorchester County in the province of Maryland and there resided till about five years Last past when he removed to a place called Slaughter neck in the County of Sussex that as he has been travelling at Times near the borders of Sussex County he was informed by Sundry persons there Inhabiting that the Branch Issuing out of Nanticoke River by the Widow Ingrams and the Drains near the Widow Hammonds was the Divisional Boundaries between Maryland and Pensylvania and this Deponent further says that on the fifth day of February Last being a Monday this Deponent was at the House of M^r Nehemiah Draper one of the Magistrates of Sussex County when and where there Came one Richard Coverdale William Mullineux and three more and the said Richard Coverdale told the said Draper that he had on the Sabath the day preceeding served his Warrant on William Outten an under Sheriff of Worcester County in Maryland at the House of one Lanta Slavens who had got away from them that he understood by the said Draper that himself and one Watson had granted the Warrant, This Deponent sayed he thought the Constable was to blame in Serving the Warrant upon the Sabath day and also in serving it where they did at Lanta Slavins which was within the undoubted Deemed Limitts of Maryland upon Which the said Draper made Answer and sayed that he thought they had gone a Little too far and this Deponent further says that the people above mentioned or Some of them told M^r Draper that they would take the said Outten and further this Deponent says that he has been

Lib. J. R. Informed that the said Outten was in a day or two next after
& U. S. shot by one John Willy at the House of the said Willie and
further this Deponent sayeth not

Thomas Hinds

Taken & Sworn the 9th day of March 1759
before me Rob^t Jenkins Henry.

Maryland ss^t

The Deposition of William Hayward of Somerset County in the Province of Maryland aged Twenty eight years and upwards being Sworn on the Holy Evangels of Almighty God Deposeth and saith that he this Deponent was present at the Examination of One John Sharp Taken at Lewis Town in the County of Sussex on Delaware, before Rives Holt Esquire and that the said John Sharpe then & there upon and at the Time of his Examination and the Taking of his Deposition did Declare that precedent to the Murder of one William Outten one of the Sub Sheriffs of Worcester County in the Province of Maryland Committed by one John Willey that he the said John Sharpe and the said John Willy with Sundry other persons whose names this Deponent at present
p. 297 Cannot Remember had agreed together to stand by one another and thereby to resist the said William Outten that no process Issuing out of the County Court of Worcester should be Executed on any of them, that one Cloves one of the Magistrates of the County of Sussex who was also present told the said Sharpe that such words were dangerous that they amounted to a Combination and that surely no Combination was entered into and that he the said Sharpe must certainly be mistaken upon which the said Sharpe Seemed to be affrighted, and seemed much inclined to take back what he had sayed, but being directed Sundry Times to repeat what he had to say, as often would confess that such an agreement had been entered into and made use of these Expressions, that it did not signifie for that such agreement as is aforesaid had been entered into yet from the Interposition of the said Cloves Jacob Collick and one Holt Magistrates of the County of Sussex afs^d to the best of this Deponents Memory the words aforesaid of the said Sharpe were Intirely unnoticed in and left out of the Deposition of the said Sharpe and this Deponent further saith that the said Sharpe at the Time of his Examination afs^d did declare that himself and the several persons aforesaid who had entered into the agreement afs^d would have Submitted to such process as is before mentioned but that the Great Men of the County of Sussex afs^d would not permit them, which to the best of this Deponents

memory was also unnoticed in the Deposition of the said Sharpe and further this Deponent saith not W^m Hayward
Taken & Sworn to this 16th day of April Anno Domini 1759
before me W^m Goldsborough

Lib. J. R.
& U. S.

Maryland ss^t

The Deposition of Parker Selby of Worcester County in the province of Maryland Gent. aged Thirty One years or thereabouts being Sworn on the Holy Evangels of Almighty God Deposeth and Saith that he this Deponent was present at the Examination of John Sharpe taken at Lewis Town in the County of Sussex on Delaware before Rives Holt Esq and that the said John Sharpe then and there upon and at the Time of his Examination and the Taking of his Deposition did declare that precedent to the Murder of William Outten one of the Sub Sheriffs of Worcester County in the province of Maryland committed by one John Willy, that he the said John Sharpe and the said John Willy with sundry other persons had agreed together to withstand and murder the said William Outten if he should Attempt to Execute any process on them Issued out of the County Court of Worcester upon which one Cloves one of the Majestrates of the County of Sussex aforesaid immediately told the said Sharpe that such words were Dangerous, that they Amounted to a Combination and that Surely no Combination was made and that the said Sharpe must be mistaken, which Seemed to afright Sharpe and put him upon taking back what he had Declared, but upon being directed Several Times to relait what he had to say he as often declared the agreement aforesaid yet from the Interposition of the said Cloves; Jacob Collect and one Hall Magistrates of the County of Sussex afs^d the whole of what Sharpe mentioned about the agreement aforesaid was left out and not inserted in the Deposition of the said Sharp to the best of this Deponents memory and this Deponent further sayeth that the said Sharpe at the Time of his Examination and the Taking of his Deposition aforesaid also Declared that himself and the several other persons against whom process had Issued out of the County Court of Worcester afs^d would have Submitted to such process but that the Great Men of Sussex County afs^d would not permit them which expressions of the said Sharpe were also to the best of this Deponents memory left out and not Inserted in the said Sharps Deposition and further this Deponent saith not.

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Parker Selby

Taken & Sworn to this 16th day of April Anno
Domini 1759 before me W^m Goldsborough

Lib. J. R. The Deposition of John Dennis Jun. of Worcester County
 & U. S. in the Province of Maryland Gent. who being Sworn on the
 Holy Evangelists of Almighty God Deposeth and saith that on
 Monday being the fifth of this Instant he was up at or near
 the head of the County aforesaid Where he met with William
 Outten appearing to be Indisposed was asked by this Depo-
 nent what was the cause of his Indisposition who told this
 Deponent that he had been very ill treated in the proceeding
 Night by one Coverdale for whom the said Outten had process
 in Consequence of a presentment against him for con-
 cealing a Taxable which said Cuberdel, the said Outten
 Informed him this Deponent with sundry other persons who
 were Also presented for concealing their Taxables attempted
 to take the said Outten by force in persuation of a Warrant
 granting and to the said Cuberdel directed by one Draper
 and one Watson Magistrates for the County of Sussex in the
 province of Pensilvania Whereby the said Cuberdel was
 directed to take the said Outten or any other Officer that
 should Attempt to Execute any process on any of the per-
 sons who was as aforesaid presented and him or them carry into
 the County of Sussex aforesaid which warrant the said Out-
 ten Informed this Deponent he saw and that the aforesaid Cuber-
 del and Several Other persons aforesaid Informed the aforesaid Outten
 as the said Outten Informed this Deponent that they had
 directions from the Magistrates aforesaid to take the said Outten
 if not to be got else where at Lanta Slavins being about
 seven Miles within Worcester County which said Warrant
 was granted in the manner aforesaid upon his the said Outtens
 having Served process upon one Mullinux who was also
 presented by Worcester County Grand Jury for Concealing
 a Taxable who resided within the Reputed Limits of Wor-
 cester upon which the said Outten asked this Deponent what
 he had best do in the matter when this Deponent Advised
 that Warrant should be got to take the Several Persons
 aforesaid and have them brought to Justice which might
 easily be done after the Issuing the Warrant as the sheriff
 and Constable might take such a Number of Men as would
 be able to withstand their Insults and take them, That a
 warrant was obtained and the said Deponent with Sundry
 Other persons at the request of the said Outten went with
 him to take the said Mullinuex who had made his Escape
 from the said Outten and Sundry other persons for whom the
 said William Outten had process and refused to be Taken
 that after some time and before they met with any of the
 Persons they were in persuit of they divided into two Com-
 panies and this Deponent with one Company went to the
 House of the said Mullinux, and the said Outten with the

other Company went to the House of one Willy a person for whom the said Outten had process and the Constable a Warrant, that after some time this Deponent left the House to which he went and went to the aforesaid Willys House where he found the aforesaid Outten who told this Deponent that Willey was taken but that he had got up in the Loft of his House and Would not surrender himself to be Taken away where this Deponent when he went into the House saw the said Willy in the said Loft having in his hands a Large pole or Club to Defend and prevent himself from being Taken away that after sundry fruitless Attempts by the said Outten to get into the Loft where the said Willey was the said Outten signified to this Deponent to walk out with him which he did when the said Outten requested this Deponent to Advise him what would be most prudent and Adviseable to be done upon which this Deponent thinking it dangerous to persist and being apprehensive that murder would Insue from a Continuance of endeavours to Take Willey Advised it most prudent to desist and make offers to have matters settled by the Justices of Sussex and Worcester Counties which the said Outten agreed to and upon its being mentioned to the said Willy was also agreed to by him upon Which this Deponent Outten and the rest were going off without any further to do but as they Came out of the Doore of the House one John Sharpe and one pennington Welch who had just Come up Sharpe with a Hickory Stick and Welch with an Iron rod or Spear in their hands met them when Sharp called out what the Devil is here to pay upon which the Deponent Desired him to be peaceable for all Matters were settled but Sharpe still making a great to do says where is the Dam'd Eternal Sheriff Ill Cleave him to the Earth or words to that effect Outten than Just Stopping out of the Doore who having a Cutlass in his hand being one that had been taken from the afs^d Mullinux, they met and after Some Strokes had passed the said Outten cut Sharpes Stick in two and Soon after gave him wounds on the Right Shoulder and the Left Shoulder Blade that during the Time of Outten and Sharps engagement the afs^d Welch made a Blow at the afs^d Outten which fell on the Left Shoulder of the aforesaid Outten, with such force that the Rod Bent and fell out of Welches hand when both he and Sharpe Made off when one William Connaway then present took up the Rod and Run after Welch and as this Deponent thought would have beat him to the Earth had he not called out to him not to Strike that this Deponent than being on his Horse the said Outten and sundry others of his Company went round a Small House to their Horses in order to ride away when

Lib. J. R.
& U. S.

p. 300

Lib. J. R. two men rode up with Guns and some others with Clubs to
 & U. S. whom Sharpe Spoke and bid them see how Outten had cut
 him, one of whom answered and sayed to Sharpe take my
 Gun and shoot him that Sharpe Immediately took the Gun
 and cocked & presented her towards where the said Outten
 must pass. and swore he would shoot him as he passed by
 sundry of the people prompting him thereto by telling him to
 shoot on Which this Deponent Rode up to Sharpe and desired
 him not to shoot and requested the Other persons to Speak
 to him and prevent his shooting but none of them would say
 any thing to him except shoot the Damn'd Son of a Bitch
 the aforesaid Willy then Came down out of the Loft and
 sundry other persons Came Running and riding up Some
 with Guns and Some with Clubs when Willy called Out give
 me a Gun when Sharp left his post delivered his Gun up to
 Willy and sayed shoot the Damn'd Son of a Bitch when
 Willy Running past this Deponent with his Gun he Spoke
 to him to Desist & put by the Gun telling him that he thought
 that matters were agreed between him & Outten and that
 Outten was gone to get his Horse in order to go away and
 Doubtless you'l not shoot a person in cold Blood on which he
 being Something past this Deponent he Turned about and
 Looked him full in the face for some time when by his stand
 he first Expected he would not shoot but before he Turned
 from him by his Countenance this Deponent thought himself
 in Danger but an Length this Deponent heard several Voices
 behind him saying shoot others sayed if you shoot shoot him
 in the Legs, others Dam him shoot him in the Body when
 willy run to a Corner of a House cocked Levelled and fired
 his Gun and then turned Round and Walked to his Company,
 p. 301 upon which this Deponent rode round the Corner of the
 House afs^d from Where the afs^d Willey fired his Gun when
 this Deponent Immediately saw the afs^d Outten lying on his
 Back on the Earth at about twelve yards Distance from the
 place where Willey Shot that this Deponent Immediately
 Lighted off from his Horse and went to Outten and found
 him wounded with several Shot in the Lower part of his
 Belly in about five minuits after which he expired when the
 afs^d Willey Sharpe and Welch with sundry of their Company
 went up to the Corps as it Lay on the Earth and Expressed
 great Joy the Company then with this Deponent being about
 half the Number of the other Company, that with this De-
 ponent without Arms, they Armed with Guns and Clubs which
 Obligated this Deponent and his company with him to be as
 calm as possible the afs^d Welch Damning himself if Willy
 would ever be Hurt for What he had done and Advised him
 to go and Deliver him self to the Court which then was

sitting at Lewis Town in Sussex County which this Deponent after a Little reflection also did, knowing that he with what persons he had with him dare not attempt to take him upon Which the aforesaid Willy and the Active persons in his Company went away mentioning at the same Time that the said Corps of Outten must remain where it then was and Sussex Coroner sent for, Which this Deponent not thinking Well of, he with his Company bore the Corps of the said Outten away and further this Deponent Saith not.

J Dennis Ju^r

Feb^{ry} 10. 1759. Then was the contents of this Deposition Sworn to by the afs^d John Dennis before A^m Spence

And the said John Dennis upon his Oath being farther Examined says that upon reflection he remembers that after Outten Lay dead on the Ground Willy went up to the Corps and sayed that Outten had got his Deserts and that he told him before he undertook the Office of under Sheriff he would be shot or killed but which this Deponent doth not Remember and that if he had not undertaken the office of under Sheriff no other person would and farther this Deponent Saith not

J Dennis Jun^r

Sworn the 9th day of March 1759
before me Rob^t Jenkins Henry.

Which being referred by his Excellency to this Board for their Consideration and Advice and to make a Report Accordingly, Col^o Goldsborough, Daniel Dulany Esq and Stephen Bordley Esq^r are desired to draw up the Same which being done, and approved of, the Same was delivered to his Excellency as is as, follows.

By Virtue of an order from your Excellency to us of the Several Papers hereunto Annexed for our Consideration and to report our opinion and Advice thereon We begg leave to Inform your Excellency that we have duly considered the Several Matters therein Contained and do pursuant to the said Order presume to Offer a State of the Several Material facts arising from a view of the said papers in the following Manner

That Indictments were found by the Grand Jury for Worcester County at a County Court held for that County on the first Tuesday being the Seventh day of November 1758 against John Willey Ezekiel Jones, Walter Kenny Edmond West, Dan Hopkins Elijah Collins, John Lane, Thomas Passwaters Barnett Kirk, William Lofley, James Ingram, John Sharpe, Evan Morgan, Richard Cubberdel, Richard

Lib. J. R. Cubberdel Jun. John Cubberdel Jun. Thomas Daughters,
 & U. S. William Daughters and William Mullinux for not delivering
 Lists of their Several Taxables to the Constables agreeable to
 the directions of an Act of Assembly of this Province, That
 upon these Several Indictments the Usual process were by
 order of the Same Court Issued against the before named
 several persons Returnable to March Court now last past
 at which Time they were all severally returned Non Est In-
 ventus by Benjamin Handy Esq^r high Sheriff of the said
 County except the one against William Mullinux which is
 returned by the said Sheriff in the following Words. "I
 hereby Certify to the Justices in the Within Writt mentioned
 that I executed the Same on the Body of the Within named
 William Mullinux and that he Immediately by force rescued
 himself out of my Custody." It Appears to us from the
 papers Annexed that the Subject Matter of the present In-
 quiry has Taken its rise from the Deputy sheriff of Worces-
 ter County his Attempting to Serve the before mentioned
 process on Some of the persons against Whom Indictments
 had been found as aforesaid of Which we begg leave to
 State the following Matterial particulars.

Benjamin Handy who had then been but lately quallified
 as high Sheriff of Worcester County on or about the 25
 December Last appointed William Outten as one of his Sub
 Sheriffs to Act in the Upper part of that County and then
 Delivered him several precepts to be served on as many
 persons in that District and amongst the rest one against the
 aforesaid John Willy. That the aforesaid William Outten as
 Deputy Sheriff and Several Other persons as Assistants at
 his request went with him to the House of the afs^d John Willy
 in order to Serve the process upon him and finding him at
 home William Outten the Deputy Sheriff Attempted to serve
 the process Accordingly but Willy by getting into his Loft
 and there defending himself against the Deputy Sheriff who
 several times made the Attempt, prevented his Serving the
 process upon him by striking at Outten with a Large Club
 Which Willy then had with him but it being at Last proposed
 by one present that all endeavours to take Willey should be
 Stopped and the Matter Referred to the Magistrates of
 Worcester and Sussex Counties to be by them Amicably
 settled it was readily agreed to by the said Outten and Willey
 upon which the said Willey requested Outten and all those
 with him to set down which Outten and the Greatest part of
 them did and in a Short Time afterwards when Outten & his
 Company was about to Return home, one John Sharpe
 (against whom Likewise Outten had process with him) and
 Pennington Welch Came to the Doore Sharpe with a Stick

in his hand and Welch with an Iron rod and Sharpe calling out where is the Damn'd Sheriff I will split him to the Earth or to that effect Outten went out of the House and Some Blows past between them and Welch and after some Little Time both Sharp and Welch left Outten and this Matter being thus ended William Outten and the Company with him went to get their Horses in order to Return home but sundry persons Coming up some with Guns and others with Clubs a Little Girl (supposed to be Willeys Daughter) ran to and told Willey that two or three more Guns were Come upon which he said he woud go and Accordingly did go Out of the House and called out "give me a Gun and I will Shoot the Son of a Bitch" upon Which Sharpe who had now got a Gun and had cocked and presented it at Outten instead of firing delivered it to Willey with these Expressions "Shoot the Damned Son of a Bitch" and Willy Accordingly presented it at Outten Somebody told Outten they were going to Shoot him, and he turning about Willey Instantly fired and Shot him in the Lower part of his Belly of which in five or six minutes he died

Lib. J. R.
& U. S.

Several of those of Willys party expressed great Satisfaction in and much Applauded, this Action and one in particular Walking up to the Corps lying on the Ground said "it was a well done Action in Willy shooting the said Outten and that he had saved him the Trouble of doing it himself," and Willy himself going up to the Corps said that Outten had got his Deserts and that he told him before he Undertook the Office of under Sheriff he would be shott and that if he had not undertaken the Office no other person would. Immediately upon perpetrating this Action Willy and Sharpe fled unto Sussex County for the protection of that Court then sitting (upon which it seems they have not a Little relyed) and having Surrendered themselves there the Magistrates of that Court seem so far from taking any Steps to Secure the said Willy and Sharp for their Regular Tryal for the Death of Outten, that they have Actually Examined both as Witnesses and upon their Testimony presentments are found by the Grand Jury of Sussex against Several persons Residents in this province Viz^t John Collins Son of Andrew Gerrard Hitchens Moses Timmonds John Kelly William Wainwright Peter Dolby Col^o John Dennis William Connaway Levin Disharoon John Wooten and Elijah Long some of whom are Taken and bound over to appear at next Sussex Court for that Riot Wherein Outten was killed with design we presume to Justifye or excuse the proceedure of Willy and Sharp or the Murther of Outten; and we think our selves Warranted in this presumption from the Extraordinary Be-

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Lib. J. R. haviour of some of the Magistrates of Sussex County, who
 & U. S. tho Sharpe upon his Examination before them confessed that
 himself Willey and Several Other persons had before the
 death of Outten agreed together to withstand & Murther the
 said Outten if he should Attempt to Execute any process
 upon them & who repeated by Cautioning the said Sharpe to
 take Care of what he said that he was Certainly Mistaken
 and that they could never combine to do such an Act and
 tho he as Often in relating the Transaction repeated the
 agreement to withstand and murther Outten and at Last
 Declared it signified nothing denying it they did agree as
 aforesaid and Althô Sharpe upon his Examination aforesaid
 Declared that he and the several other persons whom process
 had Issued against, out of Worcester County Court would
 have Submitted to such process but that the great men of
 Sussex County would not permit them would not Suffer
 either of these Declarations to be Inserted in his Examination
 And We have too much reason from what appears from the
 view of these papers to Conclude that the Magistrates and
 great men of Sussex County have Not a little Contributed
 to raise in the Borders that malevolent Spirit which has so
 manifestly discovered it self in the Death of the Deputy
 Sheriff of Worcester County, It appears from the Deposi-
 tions of Several Antient Witnesses that the place where this
 fact was committed to wit John Willeys dwelling plantation
 is Considerably within the antient reputed Bounds and Lim-
 itts of Maryland and that Several Inhabitants to the East-
 ward of this place have for many years past (till very Lately)
 owned them selves to be Inhabitants of Maryland and have
 paid their Taxes and other dues to this Government. We
 observe that the Magistrates or great men of Sussex County
 have Transmitted to his Honour the Governor of Pennsyl-
 vania and the three Lower Counties Some papers Relative
 to this Affair and amongst the rest is a Copy of a Warrant
 granted by the proprietaries of Pennsylvania to one Ephraim
 Polk dated the 5th Feb^{ry} 1747 and by him on the 5th November
 1755 Assigned to one John Willy Jun. who we presume is the
 Same person that killed Outten, and this warrant and As-
 signment are we Likewise presume, Adduced to Shew, that
 the Land Willey then lived on and where this fact was Com-
 mitted is the Land Surveyed by Virtue of this Warrant,
 Whence it is to be Inferred that the fact being done on Land
 Surveyed under a Pennsylvania Warrant, was done in Sussex
 County and Consequently within the Jurisdiction of that
 Government, But as we think it undoubtedly appears from
 the Depositions that John Willey at whose House this fact
 was perpetrated, lived at that time a Considerable distance

within the Antient Reputed Bounds and Limits of Maryland and as there is yet no other Criterion Established whereby to Ascertain the Bounds of the two provinces upon that Quarter (the Same being still in Litigation and Waiting his Majestys final order than Antient reputation we must be of Opinion that such Survey must be so far from giving to that Province a Jurisdiction of this matter, that we cannot but Consider the Survey of that Land so far within the Antient Reputed Bounds and Limits of Maryland by virtue of a Warrant under the Pensylvania Government is not only an Injury and Wrong to the Right Honourable the Lord Baltimore and this Government but Likewise as a Contempt of and Insult upon his Majestys Authority, before whom the matter Relating to the Bounds of the two provinces then Was and Still is in Litigation and suspence & directly repugnant to his Majestys Order of the 25 of May 1758. Having Thus may it please your Excellency stated the Several Matterial Facts Resulting from the papers you were pleased to lay before us, and Interspersed a few Cursory Remarks.

Lib. J. R.
& U. S.

We begg leave to Communicate our Opinion and Advice thereon. And first we are of Opinion that the fact perpetrated by John Willy upon the Body of William Outten is (and we presume to call it so) murther

Secondly that John Sharpe is Likewise Guilty as principal.

We begg leave to be understood as only delivering our present Opinion supposing the Several facts above stated are true as they now stand proved.

And Thirdly we are of Opinion that the place where the fact is Committed is within the Antient reputed Bounds and Limits of Maryland, and that Consequently the Tryal of this Fact is not within the Jurisdiction of Pensylvania or the three Lower Counties but belongs solely and properly to this province.

And we do further presume to Recommend to your Excellency an application to his Honour the Governor of pensylvania and the three Lower Counties, that he will be pleased to give orders to the Several Magistrates and officers within his Governments that the said Willy and Sharp may be apprehended and kept in Safe Custody untill notice thereof may be given to your Excellency, and such Sheriff of this province as you shall be pleased to Direct for that purpose may attend on the Borders on Some day to be appointed to receive them for their Tryal in this province That he will be pleased to give orders for the Discharge of such Persons Residents of this Province who were attending the said Outten at his Request in the Execution of his duty and who have

Lib. J. R. Already been Taken and may hereafter be Taken by Virtue
 & U. S. of any Warrant or process of the Magistrates or Court of
 Sussex County on Account of any Tumult Riot or Conspiracy
 relating to William Outten, That he will be Likewise pleased
 to order that all such persons now in Sussex County as were
 present at and Active in the Disturbance at Willeys House
 in Opposition to the Deputy Sheriff or that Came thither
 with an Intent to Oppose him in the Discharge of his duty
 may be apprehended and Delivered over to the sheriff of
 Worcester County (who may be ordered to attend on the
 Borders on any day to be Appointed to receive them) for
 their Trials in this province.

And Lastly that he will be pleased to order and Direct the
 Magistrates officers & other great men of Sussex County so
 to Demean themselves for the future that not only no Like
 Disturbances may hereafter arise amongst the Borderers but
 that the Inhuman Spirit which at present too much prevails
 amongst them may be Discouraged & Suppressed.

Ordered by his Excellency the Governor that the following
 Letter be entered

Annapolis 18th April 1759.

Sir.

Some days after my Return from Philadelphia I received
 from one of our Provincial Justices Several Depositions that
 had been made before himself and some of the Justices of the
 Peace for Somerset and Worcester Counties in this Province
 Relative to the Death of William Outten lately a Deputy
 Sheriff in the County of Worcester, The Gentlemen of the
 Council being Sitting here at the Time that the Depositions
 came to my hands. I immediately laid em before them
 together With the Copies of Depositions (concerning the
 Same Affair) that M^r Peters put into my hands by your
 order when I was at Philadelphia and I desired the Gentle-
 men after they had read and considered the Depositions to
 Give me their opinion and Advice thereupon, which they
 have Accordingly done as you will see by a Copy of their
 report which I now send you together with Copies of the
 above mentioned Depositions not Doubting but you will be
 thereby Satisfied of the Propriety of this Application and
 be induced to Comply with the following requests which on
 this Occasion I think it my Duty to make to you, That you
 will be Pleased to give the necessary orders to the several
 Majestrates and Officers within your Governments that
 Willey and Sharpe mentioned in the Depositions may be
 apprehended and delivered at such time as you shall think fit

to Appoint to one of the Sheriffs of this Province who will be instructed to attend at such time on the Borders of Maryland to Receive them in order that they may be brought to a Legal Trial. That you will also be pleased to give orders for the Discharge of Col^o John Dennis, Gerrard Hickens, John Collins Son of Andrew, Moses Timmonds, John Kelley William Winwright, Peter Dolby, William Connaway, Levin Disharoon, John Wooten, Elijah Long, and such other persons residents of this Province who were Attending Outten the Late Deputy Sheriff at his request in the Execution of his duty and who have already been taken or may hereafter be Taken by Virtue of any Warrant or Process of the Magistrates or Court of Sussex County on Account of any Tumult Riot or Conspiracy relating to William Outten,

Lib. J. R.
& U. S.

That you will be likewise pleased to order that all such Persons now in Sussex County as were present at and Active in the Disturbance at Willeys House in opposition to the Deputy Sheriff or that came thither with an intent to Oppose him in the Discharge of his duty may be apprehended and delivered over to the Sheriff of Worcester County (who shall be ordered to attend on the Borders to receive them at any time that you may appoint) for their Trials in this province, and Lastly that you will be pleased to order and direct the Magistrates Officers and other Great Men of Sussex County so to demean themselves for the future that not only no like disturbances may hereafter arise Amongst the Borderers but the Inhuman Spirit which at present too much prevails amongst them may be discouraged & suppressed.

With the Greatest regard

I am &c.

To Gov^r Denny.

Hor^o Sharpe

At a Council held at the City of Annapolis on Wednesday p. 307
the Eighteenth day of April in the Eighth year of his Lordships Dominion Annoq Domini 1759

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Hon ^{ble}	{	B. Tasker Esq.	{	Col ^o William Goldsbor-
		Col ^o Charles Hammond		ough
		Col ^o Benjamin Tasker		D.. Dulany Esq ^r S.. Bordley Esq ^r

His Excellency is Pleased to lay before this Board for their consideration Copies of Deeds for Lands Delivered him by

Lib. J. R. the Indians of Dorchester County whereon they apprehend
& U. S. some Encroachments have been made and having considered thereof they recommend it to his Excellency to Nominate Some Proper Person to Examine into the Affair.

Jemmy Cohonk and Bishop with Some other of the Nanticoke and choptank Indians Present to his Excellency the following Petitions and Papers

To his Excellency Horatio Sharpe Esq. Governor of Maryland.

The Petition of the Nanticoke Indians of Dorchester County.

Humbly Sheweth

That your Petitioners and their Ancestors till of Late years have constantly been Governed by Emperors, but as we have no Person at Present among our tribes Invested with such Power of Government, We beg that your Excellency would be Pleased to Appoint Peter Monk to be Emperor of the said Nanticoke Indians.

And your Petitioners as in Duty Bound Shall Pray.

his Abraham q Bishop mark	his John C Williams mark	her Naomy q Prince mark
his Thomas T Bishop mark	his Thomas J Joshua mark	her Anne A Cohonk mark
her Anne o Bishop mark	her Mary n Bishop mark	her Amey + Prince mark
her Mary xX Pincher mark		

Maryland sst

Dorchester County. We the Nanticoke Indians whose Names are hereunto Subscribed Assembled together at Nanticoke Indian Town in Dorchester County do hereby Nominate Constitute choose and appoint our well beloved Brother George Poakaleyhouse a Nanticoke Indian to be our chief and head Indian in and Over the Indian Town of Nanticoke in Dorchester County aforesaid giving him the said George Poakalyhouse full Power and Authority in and over the said Town of Nanticoke to Act and do in all Things as chief and head of the said Nanticoke Indians giving him the said George Poacatyhouse full Power and Authority to

receive all Profits Priviledges Bennefits whatsoever to the Lib. J. R.
 said Town belonging in as full and ample manner to all & U. S.
 intents and Purposes as any other Indian Chief or head
 Indian ever heretofore had or ever hereafter ought to have
 In Witness Whereof we have hereunto set our hands and
 Seals this Twenty Second Day of July in the year of our p. 308
 Lord God 1757.

his
 John O Williams [Seal]
 mark

William Cohonk [Seal]
 his
 James X Pincher [Seal]
 mark

his
 Ann X Cohonk [Seal]
 mark

his
 Tom T Tobe [Seal]
 mark

his
 John & Squash [Seal]
 mark

her
 Nancy O Ashquash [Seal]
 mark

her
 Molley V Ashquash [Seal]
 mark

her
 Nancy C Cohonk [Seal]
 mark

her
 Sarah C Cohonk [Seal]
 mark

his
 Moses ((Ashquash [Seal]
 mark

William Ashquash [Seal]
 James Cohonk [Seal]

To His Excellency Horatio Sharpe Esq. Governor and
 Commander in Chief in and over the Province of Maryland
 &c.

The Petition of us the Indians Inhabitants of Nanticoke
 Town in Dorchester County

Most Humbly Sheweth

That we the Natives of this Land Both before and after
 the English Came here Enjoyed our Antient Priviledges and
 Customs which were handed Down to us by our forefathers,
 untill within these two or three years Last Past, when two or
 three of the English with a Selfish View sowed disscord
 amongst us, making Divisions amongst us in respect to our
 chooseing our Emperor or Great or Head man, indeavouring
 to set up such as suited their own Ends, We therefore His

Lib. J. R. Majestys most Loyal Subjects Humbly Hope that your Ex-
 & U. S. cellency will not thus Suffer us to be Imposed on, and make
 no Doubt but your Excellency will continue unto us our
 Antient (and untill of Late our) uninterrupted rights and
 Priviledges &c. in regard to our making our own choice of
 Emperor, our Head Chief, or great Man as wee call them,
 and we most Humbly Hope that your Excellency will ac-
 quiesce to this our mutual Choice Both By which and by
 Heirship Lineally Devolves on George Pocatous and his
 Heirs, and in Testimony that this is our mutual Choice and
 Desire we the Chiefs of the Indians afs^d have interchange-
 ably Set our hands to this our Humble Petition &c. And we
 in Duty bound shall Pray.

his	her
Abram { (Bishop	Nancy L Asquash
mark	mark
William Asquash	her
William Cohonk	Mary L Asquash
James Cohonk	mark
his	her
Joshua { Thomas	Nancy E Cohonk the rd
mark	mark
his	her
John Quash	Nancy A Cohonk the fth
mark	mark
her	his
Sarah Ashquash	James L Pincher
mark	mark
her	his
Sarah Cohonk	John C Williams
mark	mark
her	his
Nancy A Cohonk Sen	Moses Ashquash
mark	mark
her	
Nancy A Cohonk the n ^d	
mark	

I hereby Certify that I saw the above mentioned Indians
 Sign the Within Petition and that at the Same time they
 Seemingly did it freely and Heartily and without any Im-
 portunity.

W^m Newton

May it Please your Excellency

Lib. J. R.
& U. S.

At the Request of the Nanticoke Indians I take the Liberty to acquaint your Honour that I have been Acquainted with the aforesaid Indians Forty two years (my Place of Residence being a part of their Town) and very well know George Pocatehouse or Pocatous as some call him to be a Decendant from the family of old Panquash one of those Indians to whom his Lordship gave the grant for the Nanticoke Town Lands and Likewise that William Cohonk is a Descendent from the Aforesaid Nanticoke Indians, Cohonks Mother lived with me from a Girl and I was Acquainted with her until her Death and that she was the Daughter of old Panquash as aforesaid and farther that Peter Monk is a Descendent from the Indian River Indians in Worcester County, and no ways allied to the Nanticoke Indians as I have been Informed by the old Nanticoke Indians who I have Often heard Speak of Monks Family. Thomas Hackett I have Often heard speak of the same Indians and to the same Purpose of what I have Related, I am about Seventy Four years of age and am unable to wait on your Honour but will at any Time if Required make Oath to the Above Contents and am.

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Your Excellencys most Obed^t Hble Serv^t

her

Mary M Cratcher

mark

April 3^d 1759

P. S. Solomon Wright who is Son to old Edward Wright who was the Indian Interpreter in the first Setling here knows the same as is abovesaid.

Which being Read and considered of and upon hearing what the Indians Present had to say on behalf of Peter Prince and Pocatehouse This Board are of Opinion that Pocatehouse has the best Right to be made Chief Man of the said Indians, with which Opinion his Excellency Agrees and Acquaints the Indians thereof and they seemed Well Pleased.

The said Indians then Addressed themselves to the Governor in the following Manner.

To His Excellency Horatio Sharpe Governor in Council Commander in Chief in and over the Province of Maryland.

Brother we the Heard Swamp Bapco and Other the Indians and all our Brother Indians do now once more Present our selves that is two or three of our Indians as a scattered Remnant of a confused Nation Come to see you once more

Lib. J. R. our Brother before we are all Dead and Dispers'd out of this
 & U. S. Nation which we are now the Antients of for as there is
 but a few of us Remaining nay even But a handfull of us and
 but few Young men and Women and as we love to Travel the
 Roads and other Places to seek the Support of life and as
 you are our Brother therefore beg and hope and beg you will
 not Suffer us to be troden down quite for we are as a child
 Just beginning to Walk we are so reduced and Deminish'd
 and Even as nothing and hope you our Brother will consider
 our Pitiful Scituation and Condition that we labour under
 at this Present time and as we have ever Continued as true
 and faith Subjects to his Sacred Majesty King George our
 great Father as we ever esteem him our Father and Protector
 of our Nation and People and hope you our kind Brother will
 the more esteem and consider our Pittifull and lamentable
 Condition we are now in and as we the Antient people of the
 Nation hope we shall never be deprived of our antient cus-
 toms and Priviledges which we have Ever been allowed be-
 fore hard and Pittifull is our Condition now but how much
 harder and more Deploreable would it be if we were to be
 Deprived andered of those Priviledges which we were al-
 lowed of in Antient Times if we are, we shall soon be
 brought to nought when there were great numbers of us
 Indians & but few white People in this Nation we Enjoyed
 our Priviledges Profits and customs in quiet but it is quite to
 the contrary now, then were not deprived of our Freedom
 and Customs for we had the whole Nation once under our
 Jurisdiction but now there is but a Spot laid out for us not
 even enough for Bread for us Indians and hard is our Con-
 dition if we cannot have the freedom and Previledge but now
 Some of the White People daily are Seeking to Defraud and
 Deprive us of our lands nay we need not say seeking to do
 it but they have already done it and keeps us from the Prev-
 iledge of receiving any Benefit or Satisfaction for some of
 our lands which if you our Trusty Brother suffers us thus to
 be evilly treated we shall soon be quite Destroyed and Totally
 Pushed out of this Nation but hope you our Brother will
 never Suffer us thus to be Treated, We now present several
 Belts of Peak as a Pledge of our Trust and Confidence in
 you our beloved Brother we of this Nation are now in a Sor-
 rofull and Deploreable Condition by being hindered of the
 Previledges and Benefits of our Lands which is our Total
 living and as wee the Poor Indians when many of us go
 out in the woods a Hunting and build Cabbins to Defend us
 from the Censure of the some of the White People
 when we go out of them will set them on fire and burn them
 down to the ground and leave us Destitute of any Cover to

Shelter us from the weather most certain any People would think them selves in a Deploreable and miserable Condition to be thus Evilly Entreated by their Fellow Brethren and not able to fence against their malicious and Hatefull Treatment which hope we shall hereafter be Protected from by you our Trusty Brother we make bold to call you our Brother we shall ever be and remain true and Faithfull Subjects to our great Father the great King of our nation therefore Present these Belts of peak as a Pledge of our Trust to our great Master the King of this Nation and hope that you our Brother will See us Justly dealt by as a People that have Ever been at peace and quiet with the White people so hope that they will Likewise be at Peace with us the poor and Distrest People the Indians and all our Brother Indians Continues in the Same mind with us and all at Present, But remain King Georges most Dutifull and loyal Subjects and ever Obedient the Heard Swamp Bapco and other Indians. We have not thought fit to set any of our names to this Present but Deliver it to you as an coming from our mouth to our Trusty Brother

Lib. J. R.
& U. S.

So Farewell our Dear Brother

The Articles of Peace entered into by Samuel Ogle Esq^r late Governor of this Province with several of the Indians on 5th July 1752 being Produced were again Confirmed and entered in the Council Book of the Same Year at the end thereof fol^o

Ordered by his Excellency the Governor that the following Letter be Entered

Annapolis 24th April 1759.

Gent

Inclosed are three Deeds that were lately Put into my hands by Bishop one of the Choptank Indians who as I apprehend think they have reason to Complain against Some of the Inhabitants of the County for encroaching on their Lands but for want of an Interpreter I could not well understand them, wherefore I must Desire that at your next meeting you will send for Bishop and some more of those Indians and enquire for what Purpose they gave me the Above mentioned Deeds, and if they should then complain of any Ill usage I recommend it to you to Examine into this Affair and if you find they have been injured either give them immediate Redress or report to me the Discoveries that you shall make in the Course of your Enquiry.

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I am Gent &

To the Justices of Dorchester County.

Hor^o Sharpe.

Lib. J. R. At a Council held at the City of Annapolis on Wednesday
 & U. S. the thirteenth day of June in the Eighth year of his Lord-
 ships Dominion Annoq Domini 1759.

Present

The Hon ^{ble}	{	Benjamin Tasker Esq.	}	D. Dulany Esq ^r
		Col ^o Charles Hammond		
		Col ^o Benjamin Tasker		S. Bordley Esq ^r

The following Commission for a Flag of Truce to Captain Robert Ferguson and Instructions being read are approved of and ordered to be entered.

By His Excellency Horatio Sharpe Esq. Lieutenant Governor and Commander in Chief in and over the Province of Maryland in America

To all to whom these Presents shall Come or may Concern
 Whereas the Exchange of Prisoners taken in War is Consonant to the Practice of all Christian Powers, and being Willing to Rlease all such Subjects of his most Christian Majesty as have been brought into this Port, and are now detained here under my orders as Prisoners of War in Confidence that a Like Number of the Subjects of the King my master will be set at Liberty and Returned to this Province by His Excellency Monsier De Bart Captain in the Navy and Lieutenant General of French Hispaniola and being Desirous to keep with him and his Government such a correspondence as is agreeable to the State of the two Nations and Consistent with the Duty and Obedience I owe to the King my master; I have ordered Cap^t Robert Ferguson to Proceed from the mouth of North Potomack with the said French Prisoners to on Hispaniola with the Kings Flag of Truce on board the Ship Rainbow under his Command and I do hereby Authorize and appoint the said Robert Ferguson to Transact and treat of all Matters touching an Exchange of Prisoners with his said Excellency Mons^r De Bart or with whom else it may concern at on the Island of Hispaniola aforesaid that is to say Captain for Captain Officer for Officer Sailor for Sailor observing that the Exchange be made According to their quality as near as shall be Possible and the Number of British Prisoners in that respect shall admit I therefore Desire that the Captains or Commanders of the Ships of his most Christian Majesty or the Ships of his Allies, and all Private Ships of War empowered by him or them do not in any wise molest the said Robert Ferguson or hinder him with the said Rainbow from making his Course to aforesaid or in his Return from thence,

but rather to aid and Assist him in any thing Needfull or Necessary, Given under my hand and Seal at Arms at Lib. J. R.
& U. S. Annapolis in the said Province of Maryland the _____ Day of _____ in the Thirty third year of the Reign of our Sovereign Lord George the second by the Grace of God of Great Britain France and Ireland King and Defender of the Faith p. 312 and so forth Anno Domini 1759.

Instructions to be observed by Robert Ferguson Commander of the Ship Rainbow a Flag of Truce bound to on the Island of Hispaniola

1st You are to take on board the said Ship the French Prisoners in the List Annexed Mentioned and sail with the first fair wind and make the best of your way directly for _____ and take care during your Passage that all the Prisoners be well treated according to their Rank

2^{dly} On your Arrival at _____ you are to Cause my Commission for Exchange of Prisoners to be shewn to his Excellency monsieur De Bart captain in the Navy and Lieutenant General of French Hispaniola or to the Commander in Chief of _____ and to make known to him that you have brought so many French Prisoners to be Exchanged for such British Subjects as may be Prisoners there according to the Tenour of my Commission. 3^d You are not to Put any of the French Prisoners on Shore before the Commander in chief shall have Acquainted you what British Subjects are in his Government as Prisoners of War and shall have agreed with you as to the Numbers of them to be Delivered up in Exchange Pursuant to my said Commission and if there should not be an equal Number of British Prisoners to be Exchanged for French Prisoners you are to take what British Prisoners there are, and request a certificate from the Governor or Commander in Chief Setting forth that he hath received the Prisoners sent by you and what Number he Returns in Exchange

4th If there be any Prisoners there, Lately Inhabitants of or belonging to Maryland you are to insist that they be of the Number delivered to you in Exchange

5th When you have got the British Prisoners on Board you are to desire a Passport or safe conduct from the Governor or commander in Chief to Protect you and the said Ship from being molested by any men of War Privateers or Subjects of the most Christian King or any of his Allies.

6 You are to take care not to offer any Insult to any of the Subjects of his most Christian Majesty or his Allies nor carry any kind of War like Stores or Provisions except what is necessary for the Maintenance of the Prisoners and Crew,

Lib. J. R. 7, You are not to carry more than two pieces of Cannon nor
& U. S. fire any Guns unless as a Signal or for a Pilot 8th You are to wear English Colours with a White Ensign on your maintop-mast so that it may be seen 9th you are to bring to for every Vessel that Shall demand it shewing your Proper Colours and my Commission and not to make any Resistance against any one, Given under my hand at Annapolis in the Province of Maryland the Day of 1759.

Province of Maryland List of French Prisoners of War Delivered to Captain Robert Ferguson Commander of the Ship Rainbow Commissioned as a Flag of Truce for carrying said Prisoners to on the Island of Hispaniola

Louis Viviat Capitaine, Theodore Werdestrant Second, Jean Laforest Pilote, Pierre La Roche Charpentier, Louis Roy Matelot, Jacques Barrillon Pilote, Pierre Briton Matelot, Jacques Boy

Council Office City of Annapolis the Day of 1759 The above Contains a True List of the names and quality of French Prisoners of war delivered to Robert Ferguson Commander of the Rainbow a Flag of Truce for which Prisoners the said Robert Ferguson hath signed a receipt deposited in this office

By his Excellency Horatio Sharpe Esq Lieutenant Governor and Commander in Chief in and over the Province of Maryland, To Captain Robert Ferguson Commander of the Ship Rainbow

Whereas I have by my Commission of this date authorized and impowered you to receive on board your said Ship and carry to Hispaniola Ten French Prisoners as is mentioned in your said Commission & Instructions you Are hereby Permitted to take on board for the use of the said Prisoners and of such English Prisoners as you shall receive at Hispaniola in Exchange for them the following Quantity of Provisions &c. three Barrels of Pork two Barrels of Beef nine barrels of Ship bread and one Barrel of Flour over and above what you desire for the use of your Ships Company Consisting of Fifteen men for which you are also hereby Permitted to Take on board Viz^t Twelve Barrels of Beef, eight Barrels of Pork twenty Barrels of Ship Bread three Barrels of Flour two Barrels of Mackrel and two Bushels of Pease Given under my hand at Annapolis the Day of 1759.

At a Council held at the City of Annapolis on Friday the 13th day of July in the Eighth year of his Lordships Dominion Annoq Domini 1759. Lib. J. R.
& U. S.
p. 313

Present

The Honble { Benjamin Tasker Esq. } D. Dulany Esq.
 { Col^o Benjamin Tasker } S. Bordley Esq.

His Excellency the Governor is Pleased to lay before this Board the following Letter and Depositions Viz^t

Philadelphia 11 June 1759.

Sir

I received yours of the 18th of April in which was inclosed a report of your Council and Copies of Several Depositions relative to the Death of William Outten Lately a deputy Sheriff in the County of Worcester, at the Time the Assembly was sitting at New Castle which gave me an opportunity of Communicating to such of the Justices of Sussex as were members of the House the Several Papers and of enquiring more Particularly into this Unhappy Affair, the Justices declared there was abundant Proof that the Place where the Fact was Committed is and was ever reputed to be Within the County of Sussex and that the Gentlemen of the Maryland Council had been misinformed as to their behaviour which has always been Peaceable and quiet and that they were Greatly Surprized and Concerned to hear that at a Time when the Proprietary's of Pensylvania had acquainted the House of Assembly that a final agreement was Likely to take Place between the Lord Baltimore and them for the Settlement of all disputes relative to the Borders, there should be Indictments against John Sharp and many others Inhabitants of the County of Sussex found by the Grand Jury for the County of Worcester, for not Delivering Lists of their several Taxables to the Constables of that County and that Process should so rashly Issue out of that County Court for the Apprehending them, when it was well known that they were within the Bounds of Sussex County and had paid their Taxes uninterruptedly in that County from the first Settlement of their Lands, Those Gentlemen further Inform me that Sundry Facts relating to themselves as set forth in the Depositions were absolutely untrue. After giving them a strict charge as to demean themselves that no Disturbances might arise amongst the Borderers, I sent orders to have the most exact enquiry made into the affair and Particularly to Ascertain the scituation of the Place where Outten was unfortunately killed and to return all to me upon Oath.

Lib. J. R. By a Letter I have just received from the Chief Justice I
& U. S. have reason to think my orders have been carefully obeyed
and I send you Copies of Sundry Affidavits which evince that
the Place &c. is in the County of Sussex.

I have now the Honour to acquaint you that as I conceive
it is not in my Power to obstruct the Course of the Law, nor
in any wise to interfere therewith, I cannot consistent with
my Station or Duty Comply with the request you have made
to deliver up Wiley, Sharpe and others to receive their Tryal
in your Province, nor to discharge such Persons as now
stand Indicted for a Riot on or near the Borders of the two
Provinces.

The Justices of the Supreme Court of the Government of
p. 314 the Lower Counties having appointed the 25th Instant at
Lewis for the Tryal of John Wiley and others under Indict-
ments I shall send the Attorney General to attend the Court
and if it be found that the Place where Outten was killed is
out of the Jurisdiction of that Court I shall then Give the
Necessary orders to have Wiley and all others confined and
delivered up to any Officer you may appoint to receive them
in order to be tried where the Fact shall really appear to have
been committed

I am Sir

Your most Obedient

Sussex County on Delaware. and most Humble Serv^t

William Denny.

The Deposition of Waitman Willey of the County afore-
said Yeoman aged Twenty Seven years or thereabouts
taken at Lewis in the said County this Twenty third day of
May in the year of our Lord one Thousand Seven Hundred
and Fifty nine. This Deponent being Sworn on the Holy
Evangelists did depose and say that he was born in Somerset
County in the Province of Maryland, very near the Borders
of the County of Sussex on Delaware (as it is now called)
but then more Generally known and called by the name of
Whorekill County; The Deponent farther saith, that when
he was a Lad his Father (by name John Willey) was Deputy
Sheriff to a certain Joseph M^cCloster, then high Sheriff of
Somerset County aforesaid and he the Deponent further
saith that on the Plantation whereon a certain Richard Cov-
erdale Sen. now Dwelleth, or upon some Part of the Land
of the said Plantation a certain Nathaniel Dunahow had
made an Improvement and small Settlement, but under what
rights he the Deponent knoweth not; the which Plantation is
Scituate on a Branch called and known by the Name of
Maple Marsh Branch, and on the Northern side thereof,

and he further saith that his aforesaid Father in his Capacity of Deputy or under Sheriff as aforesaid had a Precept delivered to him by the aforesaid Joseph M^cCloster as he heard say, which Precept Issued out of the Court of Common Pleas for Somerset County aforesaid as it was then called by Virtue of which Precept he was Commanded to take the Body of the said Nathaniel Dunahow but, that upon his Fathers Attempting to serve the said Precept the aforesaid Nathaniel Dunahow, said at the Time, that he would not be Taken by him: for saith he (the said Nathaniel Dunahow) I belong to and live within Pennsylvania Government: Whereupon the Deponents Father aforesaid Desisted; and upon his Acquainting the High Sheriff before mentioned with the said Nathaniels Answer and Refusal to be Taken by the Precept he bid him to Proceed no farther upon it. and the deponent further saith he very well remembers that the said Nathaniel Dunahow was never taken from the Place of his aforesaid Settlement by any other Precept to the best of his belief and knowledge ever Issuing out of the Court of Common Pleas for Somerset County afs^d the Deponent further saith that from the Time of his Birth until about four years last Past he had lived upon the reputed Borders between Somerset County aforesaid as it was then Called, but now the Upper Part thereof is called and known by the Name of Worcester County He the Deponent farther saith that after his Fathers Decease, he hath constantly heard his Mother who is now living, say, that the Place where the said Nathaniel Dunahow was settled on as it is before mentioned was reputed to be within the County of Sussex aforesaid (as it is now called) but then Generally called by the Inhabitants of the Province of Maryland aforesaid Whorekill County, or Pennsylvania Government) he the Deponent farther saith that he well knoweth and long hath known, a certain branch called by the Name of Gravelly Branch over which Branch was formerly a common wading Place, but now hath a Bridge built over the said Wading Place, and the which branch (by common Fame and Report) was ever looked upon since the Deponents coming to years of Discretion, to be a divisionary Limit and Boundary between Maryland Government and Pennsylvania Government as it was formerly called by which words the Deponent understood it to be a reputed Boundary limit between the Counties of Worcester afs^d and Sussex aforesaid (as they are now called) Particularly that Part of Sussex County aforesaid in which the Deponent now liveth, called and known by the Name of Cedar Creek Hundred in the said County of Sussex and farther this Deponent saith not

Jurat Coram me
R^s Holt Capital Jus^t &c.

Watiman Willey

Lib. J. R.
& U. S.

p. 315

Lib. J. R. Sussex on Delaware
& U. S.

The Deposition of James Ingram of the County afs^d Yeoman aged 37 years or thereabouts Taken at Lewis in the said County this 16 day of May in the year of our Lord One Thousand Seven Hundred and Fifty nine This Deponent being Solemnly Sworn on the Holy Evangelists did depose and say, that he hath lived in this County of Sussex near upon Sixteen Years, and he further saith that he was born at a Place near the Border in Division between the said County of Sussex and Somerset County in Maryland, as it was then called but Now known by the Name of Worcester County and this Deponent saith that when he was grown up to Years of Discretion he freequently heard his Mother say, that the Inhabitants of Maryland who happening to be Travelling from Somerset County aforesaid after they had Passed over a Wading Place of a Branch commonly called Gravelly Branch that they accounted themselves to be in the Forest of Sussex County aforesaid commonly called by the Inhabitants of Maryland Pennsylvania Forrest which Branch was by them reputed the Boundary between Sussex County aforesaid and that Part of Maryland then called Somerset County aforesaid but now known by the Name of Worcester County as afs^d the Deponent farther saith that he knows the Plantation whereon John Willey now a Prisoner at Lewis afs^d Lately Dwelt, and that the Same was Surveyed for a certain Ephraim Polk some years Past, the which Plantation as this deponent doth verily believe and as he hath commonly been told by the Neighbourhood is Scituate in the Hundred of Cedar Creek, within the County of Sussex aforesaid and he further Saith, that the said Plantation Lieth North Eastward from the aforesaid Gravelly Branch, about 5 or 6 Miles, and further this Deponent saith not

Jurat coram Nobis

his
James F Ingram
mark

R^s Holt

Jacob Kollock

Jacob Phillips

A true Copy Richard Peters Secretary.

Sussex on Delaware

p. 316 The Deposition of Richard Coverdel of the County aforesaid Yeoman aged 75 years or thereabouts Taken at Lewis in the said County this 17 day of May In the year of our Lord 1759 This Deponent being Solemnly Sworn on the Holy Evangelists did Depose and say that he was born in Bucks County in Pennsylvania, and that he was brought by

his Parents into the County of Sussex aforesaid when he was a Sucking Child, in the which County he hath lived the Greatest Part of his Lifetime and for about 60 years thereof in Cedar Creek Hundred in the County aforesaid and that the Plantation that he is now settled upon he doth hold under the Rights granted to him from the Land Office of the Propriys of Pensylvania and Counties on Delaware; he farther saith, that his Son John Coverdel about 18 Years ago had some Intention of taking up a Peice of Land towards the Upper end of a neck in Cedar Creek Forrest, commonly called and known by the Name of the Grate Neck but Since that Time, the Place his Son had Pitched upon to take up, hath been Surveyed by M^r William Shankland, now Deputy Surveyor of Sussex County aforesaid for a Certain Ephraim Polk, who afterwards, as this Deponent is informed sold all his Right and Title in the said Land to one John Willey (now a Prisoner at Lewis in the County aforesaid) and the Deponent further saith that the Plantation of him the said John Willey is scituate to the best of his Belief and knowledge, within the Hundred aforesaid it laying South Easterly from the Place of the Deponents Present Dwelling Near upon a mile and upon which Place he the Deponent hath Quetly and unmolested lived for many years last Past, the which Places the deponent saith Constantly hath been reputed to be within the Bounds and Limits of the Hundred aforesaid nor doth the Deponent know of any Riots or Disturbances made on or near the Present place of his Settlement or the Rights thereof, or any of the Neighbouring Places unto it, contested until what hath Lately happened at the Plantation of the aforesaid John Willey and he the Deponent further saith that he hath known the aforesaid John Willey ever since he came to Settle on the Plantation aforesaid and that he hath behaved himself in a quiet Peaceable and Neighbourly Like manner and as an Industrus Young Man ought to do: and farther this Deponent saith not

Lib. J. R.
& U. S.

his

Jurat Coram Nobis

Richard R C Coverdell
mark

R^s Holt

Jacob Kollock
Jacob Phillips

A True Copy Richard Peters Secretary

Sussex County on Delaware

The deposition of Warren Burroughs of the County aforesaid Yeoman aged 46 years or thereabouts taken at Lewis in the said County this 16 day of May in the year of our Lord 1759 This deponent being Solemnly Sworn on the Holy

Lib. J. R. Evangelists did Depose and say that he was born in Cedar
& U. S. Creek Hundred and County aforesaid and that he has Lived
the Greatest Part of his Life time in the County aforesaid
(to wit) all about about 3 or 4 years thereof, he further
Saith that is well Acquainted with Gravelly Branch where
formerly was a wading Place for Travellers to Pass and
p. 317 repass, and that there is a Bridge built over the said Place
of Passing and repassing, and that he hath heard from
Sundry Persons living near the said Branch that whoever of
the Inhabitants of the Province of Maryland Passed over the
Wading Place aforesaid or the Present Bridge afs^d Ac-
counted and esteemed themselves to be then within the Limits
of Sussex County aforesaid or as it is Generally Termed by
the Inhabitants of Maryland Government (In Pensylvania
on the same Place about 18 years Last Past he also saith,
that he is acquainted with John Willey now a Prisoner at
Lewis in Sussex County aforesaid and that he knoweth the
Plantation whereon the said John Willey Dwelt he also
knoweth that a certain John Coverdel a Liver in the said
County of Sussex had made a Small improvem^t or Settlement
on the same Place about 18 years Last Past he also saith,
that he knoweth that the said Plantation hath been Surveyed
by virtue of a Warrant from the Land Office of the Hon-
ourable the Proprietaries of the Province of Pensylvania and
Counties on Delaware for a Certain Ephraim Polk who sold
it to the aforesaid John Willey, and that he has often seen
him (as being a near neighbour to him in the quiet and
Peaceable Possession of the said Plantation he Likewise saith
that he knoweth not, nor hath he ever heard of any Survey
being made on the Aforesaid Plantation or any Right or
claim thereto set up under the Government of the Province of
Maryland aforesaid until the Late Disturbance which hap-
pened on Some Part of the said Willeys Plantation and being
interrogated whether he knew any thing Relative to a Riot
lately (as it is said) Committed there or to any Accident
ensuing thereon, he the Deponent saith he was not Present on
the Day where in it happened nor can he say any thing
thereof but from Common Fame and Report he therefore
Concludes his Testimony and further saith not

Jurat Coram Nobis

Warren Burroughs

R^s Holt

Jacob Kollock

Jacob Phillips

Sussex County on Delaware

The Deposition of John Pettyjon sen of the County afore-
said Yeoman aged 70 years or thereabouts taken at Lewis in

the said County this 16 day of May 1759 this Deponent being Sworn on the Holy Evangelists did depose and say that he was born in the Colony of Virginia but brought into Sussex County by his Parents when about two years of age and that he hath lived in the said County of Sussex ever since, to wit at Broadkill Hundred in the said County for upwards of Forty Years of the Same time and that he is well acquainted with what was the reputed or commonly esteemed Division Line or Boundary Between the said County of Sussex and that part of Maryland then called Somerset County but now known by the Name of Worcester County, for he further saith that there is a Pretty Large Savannah on the Borders of the aforesaid Counties that was and is still called by the Name of the Whorekill Savannah that he the Deponent hath often been with others a Ranging for young Horses, Colts or mares, that were bred or usually did frequent the said Savannah as their feeding Place, that in the Course of such Ranging, he hath frequently met with Several Inhabitants of Maryland who came to the said Savannah on the Same ends and Purposes and that he always heard the said People of Maryland aforesaid Acknowledge that the said Savannah belonged to what was then called the Whorekill County and he further saith that the said Savannah to the best of his Belief and knowledge, lyeth near South or rather Southeasterly from the Wading Place of a certain Branch called & known by the Name of Gravelly Branch and further this Deponent

Lib. J. R.
& U. S.

p. 318

Jurat Coram Nobis }
R^s Holt }
Jacob Kollock }
Jacob Phillips }

his
John P Pettyjon
mark

A True Copy Richard Peters Secretary

Sussex County on Delaware

The Deposition of Ephraim Polke of the County afs^d Yeoman aged Forty One Years or thereabouts taken at Lewis in the said County this Nineteenth day of May in the year of our Lord One Thousand Seven Hundred and Fifty Nine This deponent being Solemnly Sworn on the Holy Evangelists did depose & say that he was born in the County of Somerset in the Province of Maryland at the Lower end thereof: but that when he was about Eight years of age, his Brother Charles Polke (who had the care of him) became a Settler at the upper end of the said County of Somerset, now called Worcester County; and the Deponent further saith that the Place his aforesaid Brother settled on at his Removal as aforesaid (being now about Thirty two years

Lib. J. R. Past) was Reputed to be on the Borders between Somerset
& U. S. County as it was then called and the County of Sussex aforesaid but then more Generally called by the People of the Province of Maryland) Whorekill County, The Deponent further saith that he lived with his aforesaid Brother Charles at his Settlement on the aforesaid Reputed Borders, until he was upwards of Twenty Years of age; he then married and went to Settle on an Improvement made by a Certain George Bishop under a Warrant of Survey from the Land Office of the Government of Maryland the Certificate of which Warrant had Some time before been Assigned over to the Deponent, by the said George Bishop who had Had (by Virtue of the said Warrant) a Survey made for him the said George: the which Improvement is Scituate on the North Side of a Branch called by the Name of Maple Marsh Branch, and lyeth Northeastward from the Plantation of his Brother Charles Polk about two miles, the Deponent further saith that in about two or three Years after that he had went to Live on the Improvem^t aforesaid he sold his Right therein to a certain Richard Coverdale Jun, and then came to Settle in the Forrest Part of Cedar Creek Hundred in Sussex County Afs^d and in which Hundred he hath ever since Dwelt, The Deponent Likewise saith, that on the said Maple Marsh Branch and on the Same Northern or rather North western Part of it a Certain Edward Cary now dece^d had made an Improvement under a Pennsylvania Right (as it was then Commonly called) which Lay within abo^t a Mile of the Improvement so as aforesaid assigned over to him the Deponent by George Bishop aforesaid and Near upon three Miles Northeastward of the Plantation and Settlement of his aforesaid Brother Charles Polke: He further saith that the Improvement of the aforesaid Edward Cary, is now quietly held and Possessed by a Certain Joseph Polke, Cousin to this deponent, and under the Right of the Government of the Counties on Delaware and was so held by the aforesaid Edward Carey in his life time Peaceably and without any Maryland Claim being made thereto to the best of the Deponents belief and knowledge, he having never heard of any such claim, The deponent further Saith, that the Plantation whereon John Willey (now a Prisoner at Lewis) lately dwelt, Was formerly his Property and that it is Scituated in a Part of Cedar Creek Hundred in Sussex aforesaid commonly called the Upper Part of the Great Neck: the which Property he held under a Warrant from the Land Office of the Honourable the Proprietarys of the Province of Pennsylvania and Counties on Delaware; nor doth he know, nor did he ever hear either before or at the Time of the Survey made for

him, of any Claim having been made to that Part of the Great Neck aforesaid by the Government of Maryland; but that the same hath been constantly reputed and esteemed to be within the Limits and boundaries of Cedar Creek Hundred aforesaid, and further this Deponent saith not.

Jurat Coram me

Ephraim Polke

R^s Hol^t Capital Jus &c.

A True Copy Richard Peters Secretary

Sussex on Delaware

The affirmation of Solomon Fruit Sen of the County afs^d Yeoman aged 65 years or thereabouts taken at Lewis in the said County this 17th day of May in the year of our Lord One Thousand Seven Hundred and Fifty Nine this Affirmant did Solemnly and Sincearly declare and Affirm in the Presence of Almighty God that he was born in the County of Somerset in the Province of Maryland as it was heretofore called but now known by the Name of Worcester County he farther saith that he hath lived in Cedar Creek Hundred in the County of Sussex aforesaid for about 38 Years last Past, he Likewise Affirmeth that Soone after his coming to be an Inhabitant within the Hundred aforesaid he became Acquainted with a certain William Townsend who was then Also an Inhabitant of the said Hundred and upon some Conversation with the said William he told the affirmant that he had taken up a piece or Parcel of Land at a Place called Beaver Dam Branch by Virtue of a Warrant from the Hon^{ble} the Propri^s Land Office for the Province of Pennsylvania and Counties on Delaware, the which said Land was Surveyed for the said William by M Robert Shankland Deceased formerly Deputy Surveyor of the County of Sussex aforesaid and the Affirmant further saith that he knoweth that the aforesaid William Townsend sold his Right in the Land aforesaid to a Certain Elizabeth Watson of Sussex aforesaid Widow for that he the Affirmant filled up a Bond for the Conveying and makeing over the said Land, According to the Laws and usages of the Government of the Counties on Delaware. He Likewise Declareth that he heard, that a Certain Abraham Ingram, who held Land under a Maryland Survey near unto the Land so as aforesaid taken up by the aforesaid William, Pretended to claim a right in the said Williams Land or some Part thereof but he the Deponent knoweth not that the said Abraham ever brought any Suit for Establishing of his s^d Claim: But he the Affirmant doth further Declare that he knoweth that a Certain Bethnel Watson (Son of the aforesaid Elizabeth Watson) brought his Action of Ejectment for the Recovery of the Land afore-

Lib. J. R.
& U. S.

p. 320

Lib. J. R. said from a Certain David Smith, who had got into Posses-
 & U. S. sion thereof and the said Bethnel Obtained a Judgement on
 his said Suit in his Majestys Court of Common Pleas in and
 for the County of Sussex aforesaid, and was Put into a
 quiet and Peaceable Possession of the said Land by Wirtue
 of his Majestys Writ of Habere facias Possessionem, Issu-
 ing Out of the said Court for that Purpose the Affirmant
 Further saith that he hath been told that the aforesaid Abra-
 ham Ingram having an intention to get a Maryland Warrant
 of Survey for Some Part of the Land so as aforesaid Sur-
 veyed by M. Robert Shankland aforementioned he the affirm-
 ant heard Several Ancient Inhabitants of Sussex afs^d Highly
 Blame the said Abraham for that the whole of the s^d Land
 did indisputably lay within the reputed Bounds of the said
 County of Sussex; the affirmant further saith that he hath no
 Particular knowledge of the Plantation whereon John Willey
 (now a Prisoner at Lewis) lately Dwelt but that he hath
 heard it reported by the Inhabitants of Cedar Creek Hun-
 dred afs^d that it is Scituate within the Limits and reputed
 Bounds of the said Hundred and Further this Deponent
 Saith not

Jurat Coram Nobis

Solomon Fruit

R^s Holt

A True Copy Richard Peters Secretary

Jacob Kollock

Jacob Phillips

Sussex County on Delaware

The Deposition of Thomas Himmons of Dorchester County
 in the Province of Maryland Yeoman Taken at Lewis in the
 County of Sussex aforesaid this 17th day of May in the year
 of our Lord 1759 he this deponent being aged 65 years or
 thereabouts and being Solemnly Sworn on the Holy Evan-
 gelists did Depose and say that he was born in the said
 County of Sussex and hath always Lived in the Hundred
 of Cedar Creek in the said County until two or three years
 Last Past and that he is well Acquainted with the Forrest
 Part of the Hundred aforesaid commonly called the Great
 Neck and that from the time of his being able to Take any
 notice of things, he hath ever heard that the Upper Part of
 the said Neck was deemed to be within the Limits and Bounds
 of the said Hundred nor doth he know or ever hath heard
 that the Inhabitants of Maryland Government ever laid claim
 to the said Upper Part of the said Neck, In the which Part, a
 certain Ephraim Polk had a Survey made for him, by Virtue
 of a Warrant from the Honourable Proprietaries Land Office
 of the Province of Pensylvania and Counties on Delaware,
 and that the Land laid out for the said Ephraim by Virtue of

the said Survey is the Land Whereon a certain John Willey (now a Prisoner at Lewis) did lately dwell: which said Land is Scituate on that Part of the said Great Neck, and that from the Time of this Deponents remembrance it was always allowed and reputed to be a Part of Cedar Creek Hundred aforesaid and further this Deponent saith not

Lib. J. R.
& U. S.

Jurat coram Nobis

Thomas Himmons

R^s Holt, Jacob Kollock, Jacob Phillips

a True Copy Richard Peters Secretary

Sussex on Delaware

The Deposition of Joseph Morgan of the County afs^d Yeoman aged 58 years or thereabouts taken at Lewis in the said County this 16th day of May In the year of our Lord 1757 this Deponent being Sworn on the Holy Evangelists did Depose and say: That about 16 or 17 years ago he this deponent made Application to William Owens (then a Deputy Surveyor of Dorchester County in Maryland) to Survey Some Land for this deponent which Land lay on the East side of a County Road Passing from Choptank Bridge to Snow Hill and over a Branch called Gravelly Branch but this deponent could not Prevail on the said William Owens to make the Survey aforesaid & the Reason the said William Owens gave this Deponent for his refusal was that Col^o Gale who then was Lord Baltimores agent of his Land Office (as this Deponent hath been told) was not Willing to Grant any warrant for Lands to the Eastward of the said Road (and the deponent also heard the Same words from Several other Inhabitants of Dorchester County aforesaid) for that the Lands aforesaid to the Eastward of the Road aforesaid was reputed to be within the Limits of Pensylvania Government aforesaid (as it was then commonly called) by the Inhabitants of the Province of Maryland afs^d the deponent further saith that the Plantation of John Willey (now a Prisoner at Lewis) afs^d formerly Surveyed for a Certain Ephraim Polk under a warrant from the Hon^{ble} Proprietarys Land Office for the Province of Pensylvania and Counties on Delaware, is scituate to the best of his belief and knowledge within the aforesaid County of Sussex for that it lays about 3 miles to the Eastward of the afs^d Road and further this Deponent Saith not

Jurat Coram Nobis

R^s Holt

Jacob Kollock

Jacob Phillips

his

Joseph I Morgan

mark

A True Copy

Richard Peters Secretary

Lib. J. R. Sussex County on Delaware
& U. S.
p. 322

The Deposition of Alexander West of the County of Sussex Yeoman aged 56 years or thereabouts taken at Lewis in the said County this 16 day of May 1759 this Deponent being Solemnly Sworn on the Holy Evangelists did depose and say that he knoweth a Certain Savannah Called Whorekill Savannah which Savannah has for 40 years Last Past been called by the Name of the Whorekill Savannah and hath been and Still is reputed and deemed to be within the County of Sussex aforesaid as well by the Inhabitants of Maryland as Sussex aforesaid and that between 30 and 40 Years Since, a certain Thomas Walker Purchased a Property in some Horses which used to range in the said Savannah from a certain Sarah Prettyman, a liver in Sussex, that the afs^d Thomas Walker being at the House of one Jacob Ingram with this Deponent a Certain John Caldwell and one Henry Toadwine two of the Rangers of Maryland came there and asked the said Walkers Leave to take away a Dunn Stallion from the said Savannah Promising to take no more of the creatures then feeding there, but the said Stallion, he the Deponent then heard the said John Caldwell say that he Allowed, and that it was not contested by him or any of the Marylanders at that time Present but that the said Savannah was in the Province of Pensylvania by which words the aforesaid Deponent verily believes they meant the Counties on Delaware, Particularly the County of Sussex by them called Whorekill County on Delaware aforesaid wherein he the deponent then Dwelt, and doth Still dwell and further this Deponent saith not

Jurat Coram Nobis

R^s Holt

Jacob Kollock

Jacob Phillips

Alexander West

A true Copy Richard Peters Secretary

Ordered that a further Enquiry be made relating to the Scituation of the Place where the afs^d fact was committed and where the reputed Boundaries of this Province and Sussex County have been Generally esteemed.

Ordered that the Present General Assembly of this Province which stands Prorogued to the sixteenth day of this Instant July be further Prorogued to Monday the 15th day of October next and Proclamations Issued Accordingly.

At a Council held at the City of Annapolis on Wednesday the 15th day of August in the Ninth year of his Lordships Dominion Annoq Domini 1759. Lib. J. R.
& U. S.

Present

His Excellency Horatio Sharpe Esq. Governor

The Honble	{	Benjamin Tasker Esq ^r	}	D Dulany Esq ^r
		Col ^o Charles Hammond		
		Col ^o Benjamin Tasker		S Bordley Esq ^r

His Excellency is Pleased to lay before this Board the following Letter and report p. 323

Sir

I Transmit to you a Copy of a Letter which I Received from the Judges of the Court of Oyer and Terminer Lately held at Lewis for the County of Sussex. the Grand Jury rejected a Bill laid before them by the Attorney General against John Willey for the Murder of William Outten, but found one for Manslaughter to which he pleaded Guilty and was branded with the Letter M, on the brawn of the left Thumb.

The Judges at my Instance gave a Strict Charge to the Inhabitants who live near the Borders to be Particularly Careful of their Behaviour and to live Peaceably and Friendly with their Neighbours of Maryland giving no just Cause of Offence: and I am Persuaded if the Magistrates of the Bordering Counties in your Province are ordered to do their Duty and will forbear to extend their Process to Places quietly Possed for a course of years by M^r Penns Tenants and not reputed to be within the Maryland Jurisdiction that the Peace will be Well Preserved and no more of these Unhappy Quarrels break out

We may every day expect to hear that the agreement between the two Proprietarys of the two Provinces which is said by M^r Penn to be so far Advanced will be compleated and an end thereby Put to all doubts about Property and Jurisdiction.

I am Sir

Your Excellencys most Obed^t
and most Humble Serv^t

William Denny

His Excellency Governor Sharpe.

Sir

At the Courts of Oyer and Terminer and Goal delivery held at Lewis in Sussex on the 25th 26th and 27th Instant:

Lib. J. R. The Attorney General laid before the Grand Inquest a Bill
& U. S. of Indictment, against a Certain John Willey for the Murdering a Certain William Outten, the which Bill was returned to the Courts and endorsed Ignoramus: Whereupon another Bill was drawn against the said Willey, for Manslaughter which was returned by the Grand Jury a true Bill, to which Bill the Aforesaid Willey Pleaded Guilty, Prayed the Benefit of Clergy, had it granted and hath been branded with the Letter M, on the brawn of the left Thumb.

The Judges before they left the Bench, gave Strict Charge to the Inhabitants of Sussex in General and to the Borderers in Particular; to Demean themselves in a quiet Peaceable and inoffensive Manner to the Inhabitants of the Government of Maryland in General and to those who live on the Confines thereof in Particular and doubt not, their said Charge will be Punctually Obeyed.

But so it is may it Please your Honour, that this day we have been informed that Several of the Back Inhabitants of this County live in dread of having Officers sent among them by the direction of the Justices of Worcester County (Maryland) in order to Compel them to Give in their Names as Taxables, who they Claim to live and reside within the Jurisdiction of Worcester County aforesaid of which information we think it our duty to Give your Honour this Plain and early Account that Some Measures may be fallen on between your Honour and the Governor of Maryland for Quieting the minds and Preserving the peace of Our Honourable Proprietaries Tenants, who live on the Confines of Sussex County aforesaid

We are Sir your obedient Humble Servants

Lewis June 27th 1759

R^s Holt, W^m Till, Wining

A True Copy Richard Peters Secretary

p. 324 Ordered by his Excellency that the following Letter be Entered

Annapolis the 21st August 1759

Gentlemen

Governor Denny having lately informed me that the Judges of a Court of Oyer and Terminer which was held at Lewis in Sussex County the 25th 26th & 27th June last have represented to him that several of the Back Inhabitants of that County live in dread of having Officers sent among them by the Justices of Worcester County in Maryland in Order

to Compell them to give in their names as Taxables in the
said County of Worcester

Lib. J. R.
& U. S.

I think fit to Advise you thereof, and tho' I flatter my self that none of you have given any Just Cause for such a Dread as the Back Inhabitants of Sussex are said to have had at the time the above mentioned representation was made, yet since Governor Denny has desired me to Order the Magistrates of such Counties in this Province as Border on Sussex to do their duty and to forbear to Extend their process to Places quietly Possessed for a course of years by M^r Penns Tenants and not reputed to be within the Maryland Jurisdiction, I do in compliance with his honours request and out of a sincere and earnest desire to have the Peace of his Majestys Subjects on the Borders of the two provinces well preserved strictly enjoin and require you to exert your selves in the due discharge of your Duty and I desire that no molestation of what nature or kind soever may be Offered or threatned by you or by any of the Inhabitants of Worcester County to any of the Inhabitants of Sussex so long as they shall keep within the said County of Sussex and Demean themselves as becometh, and I desire you will Particularly Caution and charge the Sheriff of your County and his Deputies not to Pass the Ancient Reputed Limits of Worcester County to serve any process Whatsoever

But lest the Inhabitants of Sussex or any Persons who actually residing in Worcester County may choose to call them selves Inhabitants of Sussex should take Advantage and make an ill use of the aforegoing Injunction I do hereby further enjoin and require you to take Particular care that no encroachments be made by the Magistrates Surveyors or other Officers or people of Sussex upon either the Territory or Jurisdiction of this province or Government, and if any persons shall presume to Act Contrary hereto I hope you will use all Peaceable and Lawfull Diligence to have them Apprehended within the Ancient reputed limits of your County that for such offence or Offences they may be brought to a fair and Legal Tryal

I am Gentlemen

Your very humble Serv^t

Hor^o Sharpe

Lib. J. R.
& U. S.
p. 325

At a Council held at the City of Annapolis on Saturday the 22^d Day of Septem^r in the Ninth year of his Lordships Dominion Annoq Domini 1759.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honble	{	Benjamin Tasker Esq ^r	}	Daniel Dulany Esq ^r
		Col ^o Edward Lloyd		Stephen Bordley Esq ^r
		Col ^o Henry		

Read the Report of the Justices of the Provincial Court at their Session in September whereby it appears that they had passed Sentence of Death upon Mathew Dogan of Kent County Planter for Murder and also upon John Bourke of Queen Anns County Planter for Murder, and for as much as it appears to this Board that the said Mathey Dogan is not an Object of mercy Ordered Dead Warrant to issue for his Execution on Wednesday the third of October next And it is likewise Ordered that an Enquiry be made into the former Behaviour and State of Mind of the said John Boarke at the time of his Committing the said Action

Read the following Petition

To His Excellency Horatio Sharpe Esq^r Governor of Maryland.

We the Subscribers Justices of Dorchester County Court beg leave to represent to your Excellency, that at this present August Court John Combs of this County an Aged Man was Convicted before us for Stealing a Saddle the property of M^r Daniel Sullivane upon which the Judgement directed by Law is given against him; but as it appeared doubtful upon the Evidence given at his Tryall whether he was guilty of a Felony or not in taking the said Saddle And it also appearing upon his Tryall by the Testimony of a great number of Witnesses of undoubted Credit that the said John Combs hath always before this maintained a good Character and behaved during the Course of his Life honestly and justly and he having in Court paid the fourfold and Secured the Officers Fees and the Saddle being returned we have respited the further Execution of the Judgement untill next Court and do humbly recommend him to your Excellency as a fit Object of your Mercy

We are &c

It is the humble advice of this Board that his Excellency be pleased to Order Pardon for the said Combs which issued accordingly.

Ordered that the present General Assembly of this Province be prorogued to the first Tuesday in February next and Proclamations issued Accordingly

Lib. J. R.
& U. S.

At a Council held at the City of Annapolis on Tuesday the 26th Day of September in the ninth year of his Lordships Dominion &c Annoque Domini 1759

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Honble	{	Benjamin Tasker Esq ^r	}	Daniel Dulany Esq ^r
		Col ^o Tasker		
		Col ^o Henry		Stephen Bordley Esq ^r

His Excellency is pleased to lay before this Board the following Deposition & Letters Viz^t

Worcester County ss^t

Thomas Collier of Worcester County in the Province of Maryland Gen^t Aged thirty three years or thereabouts being Sworn on the holy Evangels of Almighty God Deposeth and saith that he hath lived for twenty years past not farther than a mile from that part of Gravelly Branch formerly called the Widing Place where a Bridge now is and that he never heard of any Person near there pretending to set up any Claim or title to any Lands under a Pensilvania Right nor that ever that Place was taken to be a Boundary between the Province of Maryland and Sussex County by any Person what soever, but that that Place & the Inhabitants around it were ever taken and Accounted to be within the Province of Maryland, And this Deponent further saith that he about fourteen or fifteen years past acted as a Factor for Col^o Adam Muire who purchased a Plantation from a Certain Abraham Ingram which was Situated about Seven Miles up Gravelly Branch aforesaid & close to or near the Head thereof and a Place called the Beaver Dams or Drains And this Deponent also saith that the aforesaid Abraham then informed the aforesaid Muire that the Branch or Drain from the said Beaver Dams running and extending along by a Certain John and Cornelius Louflies was the Division and reputed Bounds between the Province of Maryland & the County of Sussex And this Deponent further saith that the Plantation as aforesaid Purchased by the said Muir from the said Ingram was on the Maryland Side of the said Dams & Drains and was held by a Maryland Title and Grant And this Deponent also saith that he hath been frequently in-

p. 326

Lib. J. R. formed by Sundry Persons and hath always understood that
 & U. S. the Beaver Dams or Drains aforesaid were the reputed and
 Acknowledged Boundaries between the Province of Mary-
 land and Sussex County afores^d And this Deponent further
 saith that about five or six years past he applied to one
 William Shanklin then and still Deputy Surveyor of Sussex
 County aforesaid to Survey and lay out for him a Parcel of
 Land on the Westernmost side of the aforesaid Beaver Dams
 and Drains which the said Shanklin refused to do unless this
 Deponent would indemnify him for so doing for as much as
 it was out of & beyond the Bounds of Sussex County as the
 said Shanklin then informed this Deponent And this Depo-
 nent further saith that the aforesaid Shanklin then further
 told this Deponent that M^r Peters had given Orders to him
 the aforesaid Shanklin not to Survey any Lands to the West-
 ward or on the Westernmost side of the afs^d Beaver Dams &
 Drains but that the said Shanklin then promised this Depo-
 nent that if ever it was in his Power he would Secure the
 Land for him this Deponent for which this Deponent gave
 the said Shanklin two Shillings and six pence the Customary
 Fee for the Entry of Lands with the Surveyor of Sussex
 County it being then much talked of that the lines between
 the Proprietor of Maryland & the Proprietors of Pensilvania
 were shortly to be settled and further this Deponent saith not
 Tho^s Collier

Taken and Sworn to this 29th Day of August Anno Dom̄
 1759

Joseph Collins
 W^m Ellegood

before

Worcester County ss^t

Robert Ingram of Worcester County in the Province of
 Maryland Planter Aged Sixty two years and upwards being
 Sworn on the holy Evangels of Almighty God deposeth &
 saith that about fifty years past he went to live up in the
 Head of then Somerset but now Worcester County near unto
 a Branch called Green Branch where he now lives and ever
 since hath lived & that to the knowledge of this Deponent
 a Branch maketh out of the River Nanticoke called Gravelly
 Branch & runneth for its Course from the said River Nanti-
 coke near North East for about the Distance of seven Miles
 where it Heads and that from thence another Branch maketh
 out & runs near South East untill it falls in with Green
 Branch aforesaid and that he always understood & ever
 heard that the Lands to the Northward of the aforesaid
 Branch so as aforesaid making out from the Head of

Gravelly Branch aforesaid were esteemed to be within the County of Sussex & under the Government generally called Pensilvania and those to the Southward within once Somerset but now Worcester County in the Province of Maryland And this Deponent also saith that the Widing Place over Gravelly Branch aforesaid where now is a Bridge is distant from the Mouth of the aforesaid Branch called Gravelly Branch about half a Mile and that he hath always understood that the Lands on each Side of Gravelly Branch were within the Province of Maryland. And this Deponent further saith that from the Head of Gravelly Branch aforesaid one other Branch maketh out & runneth to the northward which is called by the name of the Beaver Dams which hath also ever heard and understood to be the Divisional Boundary between the Province of Maryland & the County of Sussex aforesaid and that the Inhabitants on the one side were always esteemed as Residents of Maryland & on the other Inhabitants of Sussex aforesaid And this Deponent also saith that the Maple Marsh is Situated at the Head of the Drains issuing out of the aforesaid Beaver dams And this Deponent further saith that the Savannahs which he hath heard called by some by the name of the where Kilnlavannahs do Die to the Southward of Green Branch aforesaid and near seven miles within the Province of Maryland and near five Miles below or further within the Province of Maryland than the Place where this Deponent liveth And further this Deponent saith not

Lib. J. R.
& U. S.

p. 237

his
Robert R Ingram
mark

Taken and Sworn to on the 29th Day of August

Anno Domini 1759.

Jo^s Collins

before us.

W^m Ellegood

Worcester County ss^t

The Deposition of Cap^t Job Ingram aged about thirty three years or thereabouts after being Solemnly sworn on the Holy Evangels of Almighty God doth Depose and say That he was born in the County of Sussex on Delaware and when he was a very small Boy his Father removed to a Place called the Beaver Dams in the County aforesaid and on the North Easterly side of the said Branch & very near the Borders of the Counties of Sussex and Somerset and a Certain Abraham Ingram Brother to this Deponents Father settled on the North Westerly side of a Drain of the aforesaid Branch

Lib. J. R. under the Government of the Province of Maryland And this
 & U. S. Deponent further saith that he always understood both from his Father and his Uncle aforesaid that the said Branch or Drain was the then reputed Limits or Bounds between the Counties of then Somerset and Sussex and also that he always understood the same from Sundry other Persons both of Sussex County as well as Somerset And this Deponent further saith that he understood that as far as the aforesaid Branch or Drain extended Northerly that it still was the then reputed bounds between Sussex aforesaid and the Province of Maryland and that this Deponent always heard it acknowledged by the Inhabitants of Sussex aforesaid that a neck of Land called the great Neck lying to the Westward of the Drain aforesaid & on the North side of a Branch known by the name of Gravelly Branch has always since his remembrance been deemed to be in the Province of Maryland and also claimed by the Inhabitants aforesaid as their Right And this Deponent further saith that he is well acquainted with Gravelly Branch where was formerly a Widing Place for Travellers to pass & repass over and that there is now a Bridge over the same Place about Six or Seven Miles westward from the Drain aforesaid and the Road over the aforesaid Gravelly Branch was always maintained & kept by the Inhabitants of Maryland and that he never heard by any Person that ever the Widing Place afs^d was ever the Reputed Bounds between the Counties aforesaid but that it was six or seven Miles as aforesaid within the Province of Maryland And further saith that his Father owned a Plantation to the Southward of the Drain aforesaid and near the said Drain and that this Deponent killed Squirrels at or about the same Plantation & altho there was then an allowance for Squirrel Heads in the County of Sussex yet his Father could get no allowance for the same because it was deemed they were killed in the Province of Maryland And being further asked or examined whether he knew where John Willey (who is said to have Murdered William Outten) lived saith he never saw his Plantation or where he lived only has been Creditably informed that he lived to the Westward of the Drain aforesaid and in the great Neck aforesaid & within the reputed Limits of the Province of Maryland & where is now called Worcester County And further saith not.

Job Ingram

The above Deposition was taken this 28th day of August
 1759

Before Jo^s Collins
 W^m Ellegood

Worcester County ss^t

Lib. J. R.
& U. S.

Thomas Evans of Sussex County on Delaware Aged thirty four years or thereabouts being sworn on the holy Evangel of Almighty God Depose and saith that about seven years past he did live in Worcester County in the Province of Maryland near unto the Borders of Sussex County aforesaid & in a neck of Land called Cars Neck which Neck he hath always been informed was within Worcester County in the Province of Maryland and that as far up as the Beaver Dams or Drains was within the Province of Maryland And this Deponent further saith that at the time that he lived in Worcester County there was an allowance for Squirrel Scalps and that he made it his Business to kill a great number of Squirrels in order to procure an Allowance for the Scalps and that he might be certain of getting his allowance for the Scalps within the County of Worcester he made Inquiry of the old Settlers how far the Province extended & where the limits thereof were because that when he went to Claim an Allowance for any Squirrel Scalps that he should deliver to the Justices of Worcester County he must and was obliged to swear that they were got within the Bounds of the County and that the said old Settlers then informed this Deponent that all that he killed to the Southwestward of the Beaver Dams and Drains was within the Province of Maryland & County of Worcester & that he this Deponent was allowed for all the Squirrels that he killed to the Southward of the Beaver Dams and Drains aforesaid And this Deponent further saith that he is well Acquainted with the Place where the County Road Crosses Gravelly Branch being the Place formerly called the Wading Place & where now a Bridge is and that the same is Seven or Eight miles below the Beaver Dams & Drains aforesaid and within the Reputed Bounds of Maryland by that Distance and further this Deponent saith not. p. 238

Thomas Evans

Jo^s Collins

Before

W^m Ellegood

Worcester County ss^t

Philip Connaway of Worcester County in the Province of Maryland Aged thirty five years or thereabouts being sworn on the holy Evangel of Almighty God Depose & saith that about eighteen years past he removed to the head of Nanticoke River and near unto the Branches of Deep Creek and the Borders of Sussex County and that he is well Acquainted with a Branch called and known by the name of Green

Lib. J. R. Branch and that the Drains of the said Branch hath a Com-
 & U. S. munication with a Branch that makes out of the head of
 Gravelly Branch from whence also the Beaver Dams or
 Drains also issue and that he hath always understood and
 been informed that the aforesaid Branches Beaver Dams &
 Drains were the Reputed Bounds between the County of
 Sussex and the County of Worcester in the Province of
 Maryland And this Deponent further saith that he also
 knows & is well acquainted with the Place formerly called
 the Wading Place over Gravelly Branch where now is a
 Bridge and that the Place is six or seven Miles within the
 reputed Bounds of Maryland and below the Beaver Dams &
 Drains aforesaid and that he never heard of that Place afore-
 said of Gravelly Branch being a Boundary between the
 Counties of Sussex and Worcester aforesaid neither did
 this Deponent ever hear or understood that any Lands there-
 abouts were Claimed by a Pensilvania Right And this
 Deponent further saith that he is one of the Labourers that
 works on the Road leading over the said Bridge & that the
 said Bridge hath been Supported & the said Road for a
 Considerable distance above the Bridge hath always been
 Cleared by the People of Maryland & further this Deponent
 saith not.

Taken & Sworn to this 29th Day of August 1759

Philip Connaway

Before

Jo^s Collins

W^m Ellegood

Worcester County ss^t

Richard Crockett of Worcester County in the Province
 of Maryland Planter Aged fifty one years or thereabouts
 being sworn on the holy Evangels of almighty God Depose
 & saith that about nineteen years past he settled at a Place
 on Gravelly Branch on the Stream of which he built a Grist
 Mill about two hundred yards above the Place formerly called
 the Wading Place and where a Bridge now is and that each
 side of the said Branch then was now is & always was as this
 Deponent hath been informed esteemed and Accounted to be
 within the Province of Maryland & that he never heard or
 understood that it was within the County of Sussex And
 this Deponent further saith that some time after he had
 Settled on Gravelly Branch afores^d he Removed & went to
 live within Sussex County and did live there for the Space of
 two years and that he understood from & was informed by
 the People of Sussex County aforesaid that the Place known
 & called by the name of the Beaver Dams or Drains were the

reputed Bounds between the County of Sussex and the County of Worcester in the Province of Maryland which Beaver Dams or Drains are about Seven Miles above the aforesaid Bridge where the afores^d Wading Place was And this Deponent further saith that afterwards he removed back to the Place on Gravelly Branch where he Built his Mill aforesaid and where he now lives and that the aforesaid Bridge over Gravelly Branch is seven or eight Miles within the Bounds & reputed limits of the Province of Maryland and further this Deponent saith not.

Lib. J. R.
& U. S.

Richard Crockett

Taken & Sworn to this 29th Day of August

Anno Dom̄ 1759.

Jo^s Collins

Before

W^m Ellegood

Worcester County ss^t

George Fisher of Worcester County in the Province of Maryland Planter Aged fifty four years or thereabouts being Sworn on the holy Evangelists of Almighty God Deposeth and saith that he lives about a Mile and a half to the Northward of Gravelly Branch and in a neck of Land called the Great Neck & has so done for about twenty five years past & that he well knows a Place called & known by the name of the Beaver Dams & also the Drains that lead therefrom by a certain Cornelius Loflees & that he hath always understood and been informed both by the Inhabitants of Maryland and Sussex County that the aforesaid Beaver Dams were the reputed & acknowledged Bounds and Division between the Province of Maryland & Sussex County and that when he this Deponent was about Seventeen Years of Age he was in Company with the Sons of one Alexander Draper an inhabitant of Sussex County and of Cedar Creek hundred & travelling with them from the said Drapers House to Deep Creek in Maryland where the said Draper had built a Mill they informed this Deponent that when they had passed a Bridge called Loflees Bridge which was over the Drains aforesaid that they were in Maryland and that Drain or them Drains were the Division between the Province of Maryland and Sussex County And this Deponent further saith that he well knows where John Willey who Murthered one William Outten lived and that it is within the neck of Land called the Great Neck and below the Beaver dams & Drains aforesaid & within the reputed limits aforesaid of the Province of Maryland And this Deponent further saith that he is well acquainted with the Place called the Wading Place across Gravelly Branch where now is a Bridge & hath

Lib. J. R. been so for thirty five years past & that it is about Seven
& U. S. Miles within the reputed limits aforesaid of the Province
of Maryland & that he this Deponent never heard or under-
stood by any Person that Gravelly Branch was ever reputed
a Division between the Province of Maryland & Sussex
County & further this Deponent saith not

George Fisher

Taken & Sworn to this 29th Day of August Anno Domini
1759.

Before Jo^s Collins
W^m Ellegood

Worcester County ss^t

Thomas Hearne of Somerset County in the Province of
Maryland Gen^t Aged Sixty nine years or thereabouts being
sworn on the holy Evangels of Almighty God Deposeth and
saith that in the year of our Lord One thousand seven hun-
dred and thirteen he this Deponent Travelled from the Head
of Nanticoke into Sussex County where he met with one Abel
Pride a liver there who informed this Deponent that Green
Branch and the Beaver dam Drains were the Division be-
tween the Province of Maryland and the County of Sussex
And this Deponent further saith that in the year of Our
Lord seventeen hundred and thirty two he this Depon^t was
Sub sheriff to Joshua Caldwell high Sheriff of then Somerset
County and that all the Inhabitants to the Southwestward
of the aforesaid Branch Beaverdams & Drains paid their
Levies unto him this Deponent & submitted to any Precept he
had against them from the then County of Somerset And
this Deponent further saith that he was informed that the
Inhabitants of the Eastermost side of the Branch Beaver-
dams & Drains aforesaid were within the County of Sussex
and those of the Southwest Side were within the Province
of Maryland And this Deponent further saith that in the
year Seventeen hundred & thirty one he was present when a
Certain John Caldwell then Deputy Surveyor of Somerset
County Surveyed a Parcel of Land for one Dobson near the
aforesaid Drains and that he this Deponent then heard the
said Caldwell say that the aforesaid Drains were the Division
between the Province of Maryland and the County of Sussex
And this Deponent further saith that the Bridge across
Gravelly Branch at the Place formerly called the Wading
Place is six or seven Miles within the reputed lines aforesaid
of the Province of Maryland and further this Deponent
saith not.

Tho^s Hearne Sen^r

Taken & Sworn to this 29th Day of August Anno Dom 1759.

Before Jo^s Collins
W^m Ellegood

Worcester County ss^t

Lib. J. R.
& U. S.

Robert Hopkins of Worcester County in the Province of Maryland Planter Aged forty eight Years or thereabouts being sworn on the holy Evangels of Almighty God Deposeth and saith that about thirteen years past he was one of the Constables of Worcester County aforesaid for the Hundred of Nanticoke & that he in the Execution of his Office used to serve Warrants & take in Taxables as far as the Green Branch & from thence as far as & along the Branch issuing out of the Head of Gravelly Branch thence along on the other side of Gravelly Branch by the Beaverdams or Drains as far as Robert Owens's including the great Neck which said Branches Beaverdams & Drains this Deponent was informed & understood were the Divisional Boundaries between the Province of Maryland & Sussex County on Delaware And this Deponent further saith that he is well acquainted with the Place over Gravelly Branch formerly called the Wading Place where now is a Bridge and that that Place is six or seven Miles within the reputed Bounds of the Province of Maryland And this Deponent further saith that the Inhabitants within the limits aforesaid so as aforesaid mentioned all obeyed him as Constable and never pretended that they resided or were within any other Government than that of the Province of Maryland and further this Deponent saith not. p. 240

Rob^t Hopkins

Before Jos: Collins
W^m Ellegood

Worcester County ss^t

John Dolby of Worcester County in the Province of Maryland Planter Aged thirty nine years or thereabouts being Sworn on the holy Evangels of Almighty God Deposeth and saith that he hath lived on the Branches of Deep Creek near unto the head of Nanticoke River for thirty two years past & that he well knows a Branch called and known by the Name of Green Branch and also a Place called the Beaverdams near to where a certain Abraham Ingram lived and that he this Deponent hath been sundry times informed and always understood that the Branch and Beaverdams aforesaid and the Drains issuing therefrom are the Divisional Bounds between the Province of Maryland and Sussex County And this Deponent further saith that his Plantation whereon he now lives & hath lived for the Space of thirty years as aforesaid is distant from the Savannah which he hath heard called the Whore Kill Savannah about one Mile and that all the Inhabitants settled around it hold their Lands under the Lord Baltimore and have always been quietly possessed of

Lib. J. R. their Lands under their Rights and that he this Deponent
& U. S. never heard that any of the Inhabitants of Sussex County
Claimed any Lands near thereto under Pensilvania Rights &
that the said Savannah is Six or Seven Miles within the
reputed Bounds aforesaid of the Province of Maryland And
this Deponent further saith that he well knows the Place
over Gravelly Branch formerly called the Wading Place
where now is a Bridge and that that Place from all that he
ever heard or understood is six or seven Miles within the
reputed Bounds aforesaid of the Province of Maryland And
further this Deponent saith not.

Taken & Sworn to this 29 Day of August Anno John Dolby.
Dom: 1759

Before Jo^s Collins
W^m Ellegood

Worcester County ss^t

Edward Callaway of Worcester in the Province of Mary-
land Aged forty eight years or thereabouts being sworn on
the holy Evangels of Almighty God Deposeh and saith that
about fourteen years past he settled in Cedar Creek Hun-
dred in the County of Sussex and as he was travelling to the
County of Sussex aforesaid he happened at the House of a
Certain Cornelius Loflees in Company with a Certain Joseph
Collins and upon their asking the said Loflees if they were
then in Maryland or in the County of Sussex the said Loflees
said that they had just then entered into Sussex County for
that the Branch near the Fence of him the said Loflees which
they had just Crossed was the Division between Sussex
County & the County of Worcester in the Province of Mary-
land and that the House of him the said Loflees was the
nearest House along the Road that was in Sussex County and
that the aforesaid Branch is the main Branch issuing out of
the Beaverdams or Drains And this Deponent further saith
that he is well acquainted with the Place where the Bridge
is over Gravelly Branch and that he hath always understood
that that Place is several Miles within the County of Wor-
cester and that he never heard that any Person claimed any
Lands under Pensilvania Tittles near the said Bridge and
that the reputed Bounds of Maryland are far above & beyond
the aforesaid Bridge and further this Deponent saith not.

his
Edward E^d Callaway
mark

Taken & sworn to this 29 Day of August
Anno Dom 1759.

Before Jo^s Collins
W^m Ellegood

Worcester County ss^t

Levin Harvey of Worcester County in the Province of Maryland Planter Aged thirty nine years or thereabouts being sworn on the holy Evangels of Almighty God Deposeth & saith that he hath always understood & been informed by sundry Persons that a Certain Place called & known by the name of the Beaverdams or Drains were the reputed Bounds between the Province of Maryland & Sussex County And this Deponent further saith that he is well acquainted with Gravelly Branch and the Place called the Wading Place formerly where there is now a Bridge & that he hath lived the whole of his Life within one Mile of the s^d Bridge and that the said Bridge is six or seven Miles within the reputed limits aforesaid of the Province of Maryland and that he never heard that Gravelly Branch aforesaid was a Boundary between the Province of Maryland and Sussex County aforesaid and further this Deponent saith not.

Lib. J. R.
& U. S.
p. 241

his
Levin G. Harvey
mark

Taken & Sworn to this 29th Day of
August Anno Domini 1759.

Before Jo^s Collins
W^m Ellegood

Worcester County ss^t

John Alexander Willey of Worcester County in the Province of Maryland Aged twenty eight years or thereabouts being Sworn on the holy Evangels of Almighty God Deposeth and saith that he is well Acquainted with a Place known by the name of the Beaverdams near to where a Certain Abraham Ingram lived & that he hath been informed and hath always understood that the said Beaverdams & the Drains thereof were the reputed and Acknowledged Bounds Limits & Division between the Province of Maryland & Sussex County And this Deponent further saith that he is also well acquainted with Gravelly Branch and the Place called the Wading Place formerly where now is a Bridge and that he never heard or understood that Gravelly Branch or the Wading Place where now is a Bridge were ever by any Persons reputed as a Division between the Province of Maryland and the County of Sussex but that he well knows that the said Bridge is six or seven Miles within the reputed Bounds aforesaid of the Province of Maryland And this Deponent further saith that he lives about four Miles above the said Bridge in a Neck of Land called the Great Neck and that he hath always understood that the said Neck was within

Lib. J. R. the Province of Maryland and never understood otherwise
& U. S. untill William Shankland Deputy Surveyor of Sussex County
lately made some Surveys in the said neck and further this
Deponent saith not.

John Alexander Willey

Taken & sworn to this 29 Day of August

Anno Domini 1759

Before Jo^s Collins
W^m Ellegood

Worcester County ss^t

James Truitt of Worcester County in the Province of Maryland Planter Aged Seventy years or thereabouts being Sworn on the holy Evangels of Almighty God Deposeth & saith that he hath for about sixteen years past lived on the Northermost side of Gravelly Branch about four Miles above the Place formerly called the Wading Place and where now is a Bridge & that he hath always heard & understood that that Place was within the Province of Maryland and that he never heard of any Claim of Lands under Pensilvania Rights at or near that Place but that he hath ever heard & been informed that the afs^d Bridge was & is six or seven Miles within the Province of Maryland And this Deponent further saith that the Place where one John Willey lived & where he hath been informed the aforesaid John Willey Murthered one William Outten is in the same neck of Land where this Deponent doth live called the Great Neck which is to the Westward of a Place called the Beaverdams or Drains and further this Deponent saith not.

Taken & Sworn to this 29 Day of August James Truitt

Anno Domini 1759.

Before Jo^s Collins
W^m Ellegood

Worcester County ss^t

William Owens of Worcester County in the Province of Maryland Planter Aged forty three years & upwards being Sworn on the holy Evangels of Almighty God Deposeth & saith that he hath lived at or near the Head of Nanticoke River & above Gravelly Branch for about the Space of thirty years & that he is well Acquainted with & knows the Place where the County Road crosses Gravelly Branch being the Place which formerly was called the Wading Place & where a Bridge now is being about ten Miles distant from the House of this Deponent & that he hath ever understood that the Lands thereabouts were adjuged & always hath been

(as far as this Deponent hath heard) esteemed to be within the Province of Maryland & not within the County of Sussex And this Deponent further saith that to his knowledge the Road & Bridge aforesaid have ever been kept & supported by the Inhabitants of the Province of Maryland and further this Deponent saith not.

Taken & Sworn to this 29 Day of August W^m Owens
Anno Domini 1759.

Before Jo^s Collins
 W^m Ellegood

Worcester County ss^t

John Fleetwood of Worcester County Aged forty three years or thereabouts made Oath on the holy Evangelists of Almighty God that he did live with a Certain Abraham Ingram three years or thereabouts twenty five years Ago at the Head of Gravelly Branch on the Beaverdams which issueth out of the said Branch And this Deponent further saith that he was very well acquainted with all the Drains and Beaverdams from the Head of Gravelly Branch as far as where John & Cornelius Loflees did live And this Deponent further said that he knew and was very well acquainted with the neck of Land called great Neck and to his Certain knowledge that all the Inhabitants worked on the Kings Road from Gravelly Branch to Owens's Bridge and payed their Taxes in Maryland and that all the Land to the Westward of the Drains and Beaverdams was deemed by the Inhabitants to be in the Province of Maryland And this Deponent further saith that he was very well Acquainted with the Plantation where John Willey did live when he committed the Murther on William Outten and that Plantation was at least a Mile within the limited bounds of Worcester County in Maryland and this Deponent saith he never knew nor understood that any part of the Great Neck was Claimed by any Pensilvania Right till within this few years and to his certain knowledge where Gravelly Branch Bridge is was a Wading Place and now a Bridge and that the limited Bounds of Maryland extended six or seven Miles to the Northward up the said Branch And this Deponent says that he was always told by the Sussex People as well as the Marylanders that the same Drains and Beaverdams was the Division of the two Provinces And this Deponent further saith that he was very well acquainted with Green Branch and that he had his Information from the Inhabitants of both Provinces that all the Lands on the Southermost side of Green Branch was in Maryland And this Deponent says he understood that M^r William Shankland Surveyor of Sussex County

Lib. J. R.
& U. S.

p. 242

Lib. J. R. had made some Surveys on Maryland Side of the Drains and
& U. S. Beaverdams and he went to the aforesaid Shankland to get
him to Survey a Piece of Land for him which M^r Shankland
refused to do and said it was more than he could answer to
do for M^r Peters had Ordered him to the Contrary and told
him not to Survey any Lands over them Drains or Beaver-
dams for that was out of their Province but the aforesaid
Shankland told this Deponent that if he would give him a
Bond to indemnify him and carry him safe into his own
Province he would Survey the Land for him and further
saith not.

Sworn to this 1 st Day of September	his
1759 before	John I Fleetwood
	mark
W ^m Ellegood.	

To his Excellency Horatio Sharpe Esq^r Governor of Mary-
land
Sir

M^r William Killen Surveyor of Kent upon Delaware on
the 26th Day of June last did come within the Bounds of
Queen Anns County and between our Patent Lands held
by his Lordships Grants and execute a Warrant Granted
under the Pensilvania Rights for and in the name of a
Certain Waitman Lepple on a Piece of Vacant Land adjoining
to a Tract of Land of William Roberts who had then a
Special Warrant in Hand to Resurvey his Tract of Land
called Roberts Chance with an intent to include the same. now
the Man is in a Doubt & knows not what to do. I Advise
him to Execute his Warrant & hold his Possession of a
small Improvement he has on the same he making good
Rights to the Vacancy Added & complying with all other
Requisites usual in such Cases might his Lordships Grant of
Confirmation issue unto him thereon for the same. He still
Doubts if the Lands upon the Divisions between the two
Provinces should fall into Pensilvania he shall at last loose it.
This part of Our County goes by the Name of the Horse
Head in a Fork of the main Branch of Choptank River.

The Evidences to prove this are

John Newman, William Roberts & Edward Skinner of
Queen Anns County. Daniel Soward & Thomas Vanderfort
of Kent upon Delaware. John Newnam & Daniel Soward
Chain Carriers.

I never could get the truth of this Affair till this Day,
I am your Excellencys

Most humble & Most obedient Servant

August 27th 1759.

John Emory

To Richard Peters Esq^r in Philadelphia
Worthy Sir

Lib. J. R.
& U. S.

Andrew Collings of Sussex County Requests a Warrant for One hundred & fifty Acres of Land more or less Situate in the County aforesaid the West side of Delaware Bay lying & being in the Forrest of the Broad Kill Hundred and in Carrs Neck adjoining on a Tract of Land called Brandy Wine belonging to himself and a Tract of Land belonging to Thomas Evans And on a Tract of Land belonging to John Grant which Land is clear of all former lawfull Claims to the best of my Knowledge Certified this 28th Day of November 1757 By me

W^m Shankland

The Lands to be secured by this Letter are in the same Neck of Land in which Shankland refused to make a Resurvey for Thomas Collier Vide Colliers Deposition

W^m Hayward

The said Depositions being read are ordered to lay for further Consideration.

At a Council held at the City of Annapolis on Saturday p. 243
the 3^d Day of November in the ninth year of his Lordships
Dominion Annoque Domini 1759

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honble { Benjamin Tasker Esq^r } Daniel Dulany Esq^r
 { Col^o Edward Lloyd }
 { Col^o Benj^a Tasker } Stephen Bordley Esq^r

His Excellency is pleased to lay before this Board the following Letter and Depositions

To M^r John Braco
Sir

I beg the favour of you to come and do a small matter of Business for me I am in Trouble and rendered incapable of coming to you I humbly crave you'd come immediately and Settle some affairs for me if I live I'll pay you for your Trouble if not my Wife will to write a Bond of Conveyance fail not for God's sake I have no other Friend to Depend on this Occasion pray meet me at the Widow Reynolds from

Sir

Sir Your very humble Servant

I do not want this to be talked of.

John Burk

Lib. J. R. The Deposition of John Bracco of Queen Anns County
 & U. S. who being Sworn on the holy Evangels of Almighty God concerning his Knowledge of John Burke of the said County now under Condemnation for the murder of his Wife Deposeth and saith that he has been acquainted with said Burke for some years past & for the last two years particularly in the Summer fifty eight heard him complain that he had been five or six Weeks incapable of prosecuting his Affairs by reason of a heaviness on his Spirits which he could no way account for and which of late had been troublesome to him this with a Letter this Deponent received from him a Day or two before the Murder aforesaid and several Messages about the same time relating to some Business he wanted him to transact induced him the Deponent to believe the said Burke disordered in his Senses as he could no other way account for them But this Deponent saith that he did not at any time see the said Burke while he was in any Vapourish Fit and further saith not

October 18th 1759 Patt Hamilton

James Finley of Queen Anns County Aged thirty nine years being Sworn on the holy Evangels of Almighty God saith That he hath known John Burk now under Confinement on Suspicion of having Murdered his Wife, seven or eight years, That said Burk since Harvest last has appeared more heavy and Dull than usual, That he was frequently complaining of being disordered in his Head, That he appeared to be in some doubts of the right way of Worship but that he always seemed to Argue with the same Strength of Reason & Judgment as well since Harvest as before This Deponent further saith that he verily believes the Causes of said Burks Complaints to be the loss of his Daughter, who died some time since, and Jealousy of his Wife, and further saith not. Sworn before the Subscriber one of his Lordships Justices of the Peace for Queen Anns County the 17th Day of October Anno 1759.

Nathan Wright

Richard Reynolds of Queen Anns County Aged twenty nine years being Sworn on the holy Evangels of Almighty God saith that he has known John Burke, now under Confinement on Suspicion of having Murdered his Wife, fifteen or Sixteen years, That said Burk, since last Harvest, has seemed to be very uneasy and often complained to this Deponent of having Reasons to Suspect his Wife but that he (Burk) never appeared to be deprived of his Reason or anywise inclined to Madness This Deponent further saith

that he verily believes Jealousy was the whole Cause of said Lib. J. R.
Burks seeming Disorder and further saith not. Sworn be- & U. S.
fore the Subscriber one of his Lordships Justices of the
Peace for Queen Anns County the 17th Day of October
Anno 1759.

Nathan Wright.

Queen Anns County ss^t

Thomas Baker of Queen Anns County Goaler being sworn
on the holy Evangels of Almighty God Deposeth that ever
since John Burke has been in Goal under his care he has
never observed any Symtoms of Dilirium in the said Burk p. 244
but that his Behaviour has been orderly & uniform but Sul-
luntary. Sworn to this 18th Day of October 1759 before
W^m Hopper.

Which being read and considered of It is the humble Ad-
vice of this Board that his Excellency be pleased to Order
Dead Warrant for his Execution on Wednesday the 14th
of this Instant November.

Read the Several Depositions following Viz^t

Maryland ss^t

The Deposition of John Dehorty of Dorchester County in
the Province aforesaid Aged twenty four years or there-
abouts being Sworn on the holy Evangels of Almighty God
before the Subscriber one of the Right Honorable the Lord
Proprietarys Justices of the Peace for the County aforesaid
relative to his Knowledge of the Surveyor of Kent County on
Delawares Surveying and laying out Tracts or Parcels of
Land within the Inhabitants of this Province or the reputed
Limits thereof Deposeth & saith that in the month of Sep-
tember Seventeen hundred and fifty eight he this Deponent
was present when William Killen Surveyor of Kent County
aforesaid Surveyed & laid out for William Lister now an
Inhabitant of this Province by virtue of a Warrant from
their Land Office a Tract or Parcell of Land quantity about
two hundred Acres as specified by the said Warrant the
aforesaid Land lying at least a Mile within Lands taken up
and now possessed by a Maryland Right and within the re-
puted Bounds & Limits of this Province And this Deponent
further saith the aforesaid William Lister did cut down &
clear a small Field on the said Land so as aforesaid taken
up and did cut down Trees thereon and made thereof about
five thousand Staves of different kinds. This Deponent fur-
ther saith that the next Day after the aforesaid Survey was
made the aforesaid William Killen Surveyed and laid out

Lib. J. R. also by Virtue of a Warrant for that Purpose from their
 & U. S. Land Office a Tract of Land for Thomas Sooden now an In-
 habitant of this Province containing One hundred and fifty
 Acres near a Mile within Lands now in the Possession of
 Persons holding by a Right and within the reputed Bounds
 & Limits of this Province. And this Deponent further saith
 that the same Day the aforesaid Survey was made the afore-
 said William Killen Surveyed a Tract or Parcel of Land so
 as aforesaid qualified for James Soden containing one hun-
 dred & Sixty Acres joining with the Land Surveyed for
 Thomas Soden and lying near a Mile within the Inhabitants
 of this Province & within the reputed limits thereof And this
 Deponent saith the aforesaid James Soden did cut Timber
 on the afs^d Land & made thereof about two thousand Staves
 And this Deponent saith he either did not hear or doth not
 remember the name of either the aforesaid Tracts of Lands
 but that they all join or nearly join with a Tract of Land now
 in the Possession of Edward White of this County called
 & known by the name of Rotterdam This Deponent further
 saith that the aforesaid William Killen so as aforesaid quali-
 fied Surveyed & laid out about six or seven years past a Tract
 or Parcel of Land for Marmaduke Morgan now in the
 Possession of Peter Nowel who lives thereon & has Cleared
 thereon about twenty Acres of Ground & cut down Timber
 & got thereof about four thousand Staves & Headings the
 said Tract of Land being about a Mile within the Inhabitants
 of this Province & within the reputed limits thereof And
 this Deponent further saith that Cap^t James Anderson now
 lives on a Tract of Land held by a Kent County Survey
 within the reputed Bounds & Inhabitants of this Province
 but was not present when the Survey was made and further
 this Deponent saith not. Acknowledged this 9th Day of
 October 1759 by

John Dehorty

Before John Campbell.

Maryland ss^t

The Deposition of Philemon Cubbage of Dorchester
 County Aged Sixty years or thereabouts being sworn on the
 holy Evangels of Almighty God before the Subscriber one
 of the Right Honorable the Lord Proprietary his Justices of
 the Peace for the County aforesaid relative to his knowledge
 of the Surveyor of Kent County on Delaware his making
 Surveys within the reputed Limits & Bounds of this Prov-
 ince & within the Inhabitants thereof Deposeth and saith
 that some time in the Summer Season in the year seventeen
 hundred and fifty seven he this Deponent was present when

Mark Smith as Deputy Surveyor under William Killin Surveyor of Kent County on Delaware Surveyed & laid out for Peter Rich an Inhabitant of this County & Province by virtue of a Warrant for that Purpose a Tract or Parcel of Land containing as he this Deponent best remembers two hundred Acres lying at least a Mile interlocked within Lands held in Maryland and within the reputed limits thereof and this Deponent saith that the aforesaid Peter Rich has Cleared about two or three Acres and has built thereon a Dwelling House & some other out Houses whereon Joseph Hails now lives & that he has good cause to believe that a great many Staves & Heading have been got by the afores^d Peter Rich and the said Hails on the said Land as to his Knowledge the said Hails & some more hirelings have been the greatest part of the time in Season getting Staves & Heading ever since taking up the said Land but can give no Account of the Quantity though very large to his Knowledge and further this Deponent saith not Acknowledged this 9th Day of October 1759 by

Lib. J. R.
& U. S.

p. 245

his
Philemon P Cabbage
mark

Before John Campbell.

Maryland ss^t

The Deposition of William Lister of Dorchester County Aged twenty five years or thereabouts being sworn on the holy Evangels of Almighty God before the Subscriber one of the Right Honorable the Lord Proprietary his Justices of the Peace for the County aforesaid relative to his Knowledge of the Surveyor of Kent County on Delaware his making Surveys within the Reputed Limits of this Province and within Lands Possessed by the Inhabitants thereof Deposeth and saith that in the Month of September in the Year Seventeen hundred and fifty eight William Killen Surveyor of Kent County aforesaid by virtue of a Warrant for that Purpose did Survey and lay out for John Dehorty and Allen Thomas both Inhabitants of this County a Tract or Parcel of Land containing two hundred Acres or thereabouts running about three Quarters of a Mile within the Inhabitants of this Province and within the reputed limits thereof And this Deponent further saith that the aforesaid John Dehorty did get of the said Land about two thousand Staves and that the aforesaid Allen Thomas did get about three thousand Staves of the aforesaid Land and further this Deponent saith not. Acknowledged this 9th Day of October 1759, by

before John Campbell.

William Lister

Lib. J. R. Maryland ss^t
& U. S.

The Deposition of Thomas Soden of Dorchester County Aged sixty three years or thereabouts being Sworn on the holy Evangels of Almighty God before the Subscriber one of the Right Honourable the Lord Proprietary his Justices of the Peace for the County aforesaid relative to his Knowledge of the Surveyor of Kent County on Delaware his making Surveys within the Inhabitants of this Province or the reputed Limits and Bounds thereof Deposeth and saith that about Eleven years past he this Deponent was present when William Killen Surveyor of Kent County aforesaid Surveyed & laid out for Dominick Bright and Moses Nichols a Tract or Parcel of Land Quantity about two hundred Acres or thereabouts the afs^d Tract of Land running half a Mile within Lands held in Maryland and this Deponent saith that there has been about ten or twelve thousand Staves got of the aforesaid Land by a Certain Robert Nevens late of Whitely Creek near Wilmington in Newcastle County to whom the aforesaid Dominick Bright and Moses Nichols sold the aforesaid Tract of Land and further this Deponent saith not.

Acknowledged this 9th Day of October 1759 by
before John Campbell Tho^s Soden

Maryland ss^t

The Depositon of John Pullen of Dorchester County in the Province aforesaid Aged fifty four years or thereabouts being sworn on the holy Evangels of Almighty God before the Subscriber one of the Right Honourable the Lord Proprietary his Justices of the Peace for the County aforesaid relative to Knowledge of the Surveyor of Kent County on Delaware his making Surveys within the Inhabitants of this Province or the reputed Limits & Bounds thereof Deposeth and saith that in the Month of September in the year Seventeen hundred and fifty eight he this Deponent was present when William Killen surveyor of Kent County aforesaid Surveyed and laid out for John Dehorty of this County & Allen Thomas now of this Province also a Tract or Parcel of Land the Quantity of Acres to him unknown running about half a Mile within a Tract of Land held in Maryland whereon he this Deponent now lives called & known by the name of Dehortys Fortune and further this Deponent saith not.

Acknowledged this 9th Day of October 1759 by
before John Campbell his
John J Pullen
mark

Ordered that the Attorney General proceed at Law in the Provincial Court against the Transgressors by Information of Intrusion. Lib. J. R.
& U. S.

At a Council held at the City of Annapolis on Thursday the 6th Day of December in the ninth year of his Lordships Dominion Annoque Domini 1759 p. 246

Present

His Excellency Horatio Sharpe Esq^r Governor
The Honourable Benjamin Tasker Esq^r Col^o Benjamin Tasker, & Stephen Bordley Esq^r

His Excellency is pleased to lay before this Board the following Report

May it Please your Excellency

At a Session of a Court of Oyer and Terminer and General Goal Delivery held for Baltimore County before us his Lordships Justices thereof by Commission on the sixth Instant One George Street Mariner was Tryed and found guilty upon an Indictment of Murder by full & Clear Evidence and Judgement of Death is thereon passed a Record of the Proceedings in that Case your Excellency will receive herewith

We are May it please your Excellency

Your most Obedient hum^l Serv^{ts}

Baltimore County 8 Novem^r 1759.

John Hall
Tho^s Franklin
W^m Young.

Which being read & Considered of It is the humble Advice of this Board that his Excellency be pleased to Order Dead Warrant for his Execution on Wednesday the 19th Instant.

At a Council held at the City of Annapolis on Monday the 31st Day of December in the ninth year of his Lordships Dominion Annoque Domini 1759.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Honble { Benjamin Tasker Esq^r } Daniel Dulany Esq^r
 { Col^o Benjamin Tasker } Stephen Bordley Esq^r

Ordered with the Advice of this Board that the present General Assembly which stands Prorogued to the first Tuesday in February next be further Prorogued to the Second

Lib. J. R. Tuesday in March next being the 11th Day of the same
& U. S. Month and Proclamations issued accordingly

Read the Petition of Jaques Betbize and Nicholas Goguel French Men Prisoners of War praying a Vessel whereof Captain Callom is Commander may obtain a Flag of Truce impowrring him the said Callom to transport the aforementioned Prisoners to Saint Domingo.

It is the humble Advice of this Board upon reading the said Petition that his Excellency Grant the said Cap^t Callom a Flag of Truce accordingly

At a Council held at the City of Annapolis on Wednesday the 20th Day of February in the ninth year of his Lordships Dominion Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable Benjamin Tasker Esq^r Daniel Dulany Esq^r Stephen Bordley Esq^r

Ordered with the Advice of this Board that the present General Assembly which stands Prorogued to the Second Tuesday in March next be further Prorogued to the first Monday in April next being the seventh Day of the same Month and Proclamations issued accordingly.

Ordered that the Honourable Col^o Edward Lloyd Treasurer of the Eastern Shore Draw upon M^r William Hunt Merchant in London for the Sum of One Pound five Shillings Sterling and that he likewise draw an Order upon M^r Silvanus Grove Merchant in London for the Sum of twenty Pounds & eleven pence half penny Sterling Payable to M^r Henry Walls as Armourer of this Province out of the Duty of three pence per Hogshead for Arms part of his years Sallary due the twenty ninth Day of Septem^r last

Ordered that Pardon issue for Molatto the Slave of William Hemersly of Saint Mary's County Convicted

At a Council held at the City of Annapolis on Saturday the 24th Day of February in the ninth year of his Lordships Dominion Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r } Daniel Dulany Esq^r
Honourable { Col^o Benjamin Tasker } Stephen Bordley Esq^r

His Excellency is pleased to lay before this Board the following Letter received by him from the Board of Trade. Lib. J. R.
& U. S.

Whitehall November 13th 1759.

Sir

It having pleased Almighty God to give Signal Success to his Majesty's Arms both by Sea and Land particularly by the Defeat of the French Army in Canada & the taking of Quebeck; & his Majesty having thought fit in Acknowledgement of so great Blessings to appoint a day of publick Thanksgiving for the same throughout Great Britain, We herewith inclose you his Majesty's Royal Proclamation for that Purpose; and it being his Majesty's Pleasure that the like Publick Thanksgiving should be solemnized in all his Majestys Colonies in America which are so particularly interested in these happy Events We do hereby Signify to you his Majesty's Commands that you do as soon as possible after the Receipt hereof appoint a proper Day for that Purpose to be observed throughout the Province under your Government with such Solemnities as are suitable to so great an Occasion. We are

Sir

Your most obedient humble Servants

W G Hamilton, Soame Jenyns. Dunk Halifax

Horatio Sharpe Esq^r Governor of Maryland.

Which being read It is the humble Advice of this Board to his Excellency that he be pleased to Order Monday the 17th Day of March next as a Day of Publick Thanksgiving to be observed throughout this Province and Proclamation being prepared issued accordingly.

Maryland ss^t By his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland

A Proclamation

Whereas his Majesty our gracious Sovereign most Devoutly & thankfully Acknowledging the great goodness & Mercy of Almighty God who hath afforded him his Protection and Assistance in the just War in which for the common safety of his Realms and for the disappointing the boundless Ambition of France his Majesty is at this time engaged was pleased by his Royal Proclamation to command that a general Thanksgiving to Almighty God for such his Mercies should be Observed in Great Britain on the twenty ninth Day of November last & hath moreover signified his

Lib. J. R. Pleasure that the like publick Thanksgiving be Solemnized
& U. S. throughout all his Colonies in North America In Obedience
therefore to his Majesty's Commands I do hereby with the
Advice of his Lordships Council of State Appoint the third
Monday in March next being the seventeenth Day of the
same Month to be observed in this Province as a Day of
general Thanksgiving to Almighty God for his Abundant
Goodness manifested to the British Nation for the Signal
Successes with which he hath lately blessed his Majesty's
Arms both by Sea & Land particularly on this Continent And
for the better & more Religious & orderly Solemnizing the
same I do hereby direct & require the several Ministers of the
Gospel in this Province to compose a Form of Prayer suit-
able to the Occasion to be used in their respective Churches
& Chapples & other Places of Publick Worship and that
hereof they give Publick & timely Notice throughout their
respective Parishes And I do hereby strictly Charge & Com-
mand that the said Day of Publick Thanksgiving be Re-
ligiously Observed by all his Majesty's Subjects of this
Province And I do hereby likewise Command the several
Sheriffs of this Province to make this my Proclamation pub-
lick in their respective Counties in the usual manner as they
will Answer the Contrary at their Peril. Given at the City
of Annapolis this 25th Day of February in the ninth year of
his Lordships Dominion &c.. Annoque Domini 1760.

J Ross Cl Con.

p. 248 At a Council held at the City of Annapolis on Saturday
the 1st Day of March in the ninth year of his Lordships
Dominion Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable Benjamin Tasker Esq^r Stephen Bordley
Esq^r

His Excellency is pleased to lay before this Board the
following Letters received by him from the Right Honorable
William Pitt Esq^r Secretary of State and Jaffery Amhurst
Esq^r

Whitehall 7 January 1760.

Sir

His Majesty having nothing so much at Heart as to
improve the great & Important Advantages gained the last
Campaign in North America and not doubting that all his
faithful & brave Subjects there will continue most chearfully

to Co-operate with, and second to the utmost the large Expence & Extraordinary Succours supplied by this Kingdom, for their Preservation and future Security; And his Majesty considering that the several Provinces from Pensilvania inclusive to the Southward are well able with proper Encouragements to furnish a Body of several Thousand Men to join the Kings Forces in those Parts for some Offensive Operations against the Enemy; And his Majesty not judging it expedient to Limit the Zeal and Ardour of any his Provinces by making a Repartition of the Forces to be Raised by each respectively, for the most important Service I am Commanded to Signify to you the Kings Pleasure that you do forthwith use your utmost Endeavours and Influence with the Council and Assembly of your Province to induce them to raise with all possible Dispatch within your Government as large a Body of Men as the Number & Situation of its Inhabitants may allow (in the due Performance of which Service, it is hoped & expected they will not again Fail in their Duty to the King as they have done the two last Campaigns) and forming the same into Regiments as far as shall be found convenient that you direct them to hold themselves in readiness as early as may be to March to the Rendezvous at such Place or Places as may be named for that Purpose by the Commander in Chief of his Majesty's Forces in America, or by the Officer who shall be Appointed to Command the Kings Forces in those Parts, in Order to proceed from thence in Conjunction with a Body of his Majesty's British Forces and under the Supreme Command of the Officer to be appointed as above so as to be in a Situation to begin by the first of May if possible, or as soon after as shall be any way practicable such Offensive Operations as shall be Judged by the Commander of his Majestys Forces in those parts most expedient for Annoying the Enemy, and the better to facilitate this important Service the King is pleased to leave it to you to issue Commissions to such Gentlemen of your Province as you shall Judge from their weight & Credit with the People and their Zeal for the Publick Service may be best disposed & enabled to quicken & effectuate the speedy Levying of the greatest number of Men in the Disposition of which Commissions I am persuaded you will have nothing in View but the good of the Kings Service & a due Subordination of the whole when joined to his Majesty's Commander and all Officers of the Provincial Forces as high as Colonels inclusive, are to have Rank according to their respective Commissions agreeable to the Regulations contained in his Majestys Warrant of the 30th December 1757.

The King is further pleased to furnish all the Men so

Lib. J. R.
& U. S.

Lib. J. R. Raised as above with Arms Ammunition & Tents as well as
 & U. S. to Order Provisions to be issued to the same by his Majestys
 Commissaries in the same Proportion & manner as is done
 to the rest of the Kings Forces and a Sufficient Train of
 Artillery will also be provided at his Majesty's Expence for
 the Operations of the Campaign The whole therefore that
 the King expects and requires from the several Provinces is
 the Levying Cloathing & Pay of the Men; And on these
 Heads also that no Encouragement may be wanting to the
 fullest Exertion of your Force his Majesty is farther most
 Graciously pleased to permit me to acquaint you that strong
 Recommendations will be made to Parliament in their Session
 next year to Grant a proper Compensation for such Expences
 as above according as the Active Vigour and Strenuous Ef-
 forts of the respective Provinces shall justly appear to Merit
 it is his Majesty's Pleasure that you do with particular Dili-
 gence immediately collect & put into the best Condition all
 the Arms issued last Campaign which can be anywise ren-
 dered Serviceable or that can be found within your Govern-
 ment in Order that the same may be Employed as far as they
 will go in this Exigency I am at the same time to acquaint
 you that a reasonable Supply of Arms will be sent from
 England to replace such as may have been lost, or have
 become unfit for future Service.

I am further to inform you that similar Orders are sent
 by this Conveyance to Pensilvania Virginia North Caro-
 lina and South Carolina.

The Northern Governments are also Directed to Raise
 Men in the same manner to be employed in such Offensive
 Operations as the Circumstances and Situation of the Ene-
 mies Possessions in these Parts may point out which it is
 p. 249 hoped will Oblige them so to Divide their Attention and
 Forces as will render the several Attempts more easy and
 Successfull.

It is unnecessary to add any thing to animate your Zeal in
 the Execution of his Majestys Orders on this great Occasion
 where the future Safety and welfare of America and of
 your own Province in Particular are so nearly concerned:
 And the King doubts not from your known fidelity and At-
 tachment that you will employ yourself with the utmost
 Application & Dispatch in this promising & Decisive Crisis

I am with great truth & regard Sir

Your most obedient humble Serv^t

W: Pitt

New York 21st February 1760.

Lib. J. R.
& U. S.

Sir

With his Majestys Commands for the Reduction of Canada received last Night, I likewise had a Copy of M^r Pitts Circular Letter to the Northern and Southern Governors of the 7th Janr^y last, the original of which goes inclosed, and whereby you will see, that his Majesty having nothing so much at Heart as to improve the great and important Advantages gained the last Campaign in North America and not doubting that all his faithful and brave Subjects there will Continue most chearfully to Co-operate with and second to the utmost the large Expence & Extraordinary succours Supplied by the Kingdom of Great Britain for their Preservation and future Security; and his Majesty considering that the several Provinces from Pensilvania inclusive to the Southward are well able with proper Encouragements to furnish a Body of several thousand Men to join the Kings Forces in those parts for some Offensive Operations against the Enemy and his Majesty not judging it expedient to limit the Zeal and Ardour of any of his Provinces by making a Repartition of the Force to be Raised by each respectively for this most important Service he (M^r Secretary Pitt) is Commanded to signify to you the Kings Pleasure, that you do forthwith use your utmost Endeavours and influence with the Council and Assembly of your Province to induce them to raise with all possible Dispatch within your Government as large a Body of Men as the Number and Situation of its Inhabitants may allow (in the due performance of which service it hoped and expected they will not again fail in their duty to the King, as they have done the two last Campaigns) and forming the same into Regiments as far as shall be found Convenient that you do direct them to hold themselves in readiness as early as may be to March to the Rendezvous at such Place or Places as may be named for that Purpose by the Commander in Chief of his Majestys Forces in America or by the Officer who shall be appointed to Command the Kings Forces in those parts in order to proceed from thence in Conjunction with a Body of his Majesty's British Forces and under the Supreme Command of the Officer to be appointed as above so as to be in a Situation to begin by the first of May if possible or as soon after as shall be any wise practicable such Offensive Operations as shall be judged by the Commander of his Majestys Forces in those parts most expedient for Annoying the Enemy.

As the Kings Directions on the foregoing Subject are so fully Stated in the above abstract I have only to Request that you would exert your utmost endeavours to incite & en-

Lib. J. R. courage your assembly to the full & due Execution of the
 & U. S. Kings Commands in a matter so essential to the future welfare and Prosperity of the several Provinces and the Success of the Ensuing decisive and (it is greatly hoped) last Campaign in North America; Which desirable ends cannot be better Attained than by Commencing the Operations as early as shall be practicable, and that nothing may be left undone that it is possible for me to Attempt in the Execution of his Majestys Commands I must be urgent with you to quicken & expedite the Levies of your Province so that they may be Assembled at the Rendezvous which I shall hereafter appoint by the tenth of April at furthest.

I have also in Command from his Majesty to recommend to you the Collecting & putting into a proper Condition all the Arms which can be anywise rendered Serviceable or that can be found within your Government in order that the same may be employed as far as they will go in this Exigency: As a further Reason for which I refer you to my Letter of the 16 of February 1759 and now offer you the same Encouragement I did then Viz^t that for every one of such Arms as any of your Men shall bring with them & that may be spoiled or lost in Actual Service I will pay at the Rate of twenty five Shillings a Firelock. From this Encouragement & your known Fidelity & Attachment to his Majesty I have no Doubt of your Exerting yourself to the utmost on this great Occasion where the future welfare & safety of America & of your own Province in Particular are so nearly concerned. I am with great Regard

Sir

Your most obedient humble Serv^t

Jeff Amherst

p. 250 Ordered by the Advice of this Board that the Assembly be called on the Second Tuesday of this Instant March being the 11th Day of the same Month and Proclamations issued accordingly.

At a Council held at the City of Annapolis on Friday the 18 Day of April in the ninth year of his Lordships Dominion &c.. Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable Col^o Benjⁿ Tasker, Benedict Calvert Esq^r
 Col^o Robert Jenkins Henry.

His Excellency is pleased to lay before this Board the ^{Lib. J. R.}
Report of the Justices of the Provincial Court relating to ^{& U. S.}
James Horner for a Rape which is as follows

May it please your Excellency

We the Justices of the Provincial Court do humbly Represent to your Excellency That James Horner of Dorchester County Labourer has been Indicted Tried and Convicted for a Rape committed by him on one Mary Ann Satchell a Girl of about fourteen years Old and Sentence of Death has been pronounced against him this present Court. We are sorry that there did not appear one favourable Circumstance in the Course of his Tryal to induce us to Recommend him to your Excellency for Mercy

We are with the highest Respect
Your Excellency's most Obedient & most humble Servants
Jn^o Brice, Rob^t Jenkins Henry, Geo: Steuart
April 17th 1760.

Which being Read and Considered of It is the humble Advice of this Board, that his Excellency be pleased to order Dead Warrant for his Execution on Friday the Second Day of May next.

At a Council held at the City of Annapolis on Thursday the 22^d Day of May in the Tenth year of his Lordships Dominion &c: Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esquire Governor.

The Honourable Benjamin Tasker Esq^r Daniel Dulany Esq^r Stephen Bordley Esq^r

His Excellency is pleased to lay before this Board the following Letter received from Governor Pownall relative to the Fire at Boston.

Boston 24 March 1760.

Sir

On the twentieth Instant a Fire broke out in the Town of Boston which raged in such a manner as to elude all Means for Suppressing the same untill it had (according to the best Information that can be obtained in the present Confusion) destroyed one hundred and seventy four dwelling Houses and as many Warehouses Shops and other Buildings which with the Furniture and Goods therein amount at a Moderate Computation to one hundred thousand Pounds

Lib. J. R. Sterling. By this two hundred and twenty Families are
& U. S. turned out of Doors, the greatest part of whom being by this Misfortune rendered incapable of Subsisting themselves are become the proper Objects of Charity. And although I have at the Desire of both Houses of the Legislature sent Briefs throughout the Province to procure Relief for the unhappy Sufferers, yet the Calamity is so great and extensive that the means of Relief from among Ourselves & the Contributions of our own Inhabitants must be greatly inadequate to the Loss. I would therefore (as has been practised on the like Occasions) desire your Excellency would be so good as to recommend it to the People under your Government to assist in relieving their Distressed Fellow Subjects, and that you would cause what may be Collected on this Occasion to be remitted to the Select men and Overseers of the Poor of the Town of Boston, with whom will be lodged the Collections made in this Government to be distributed among the Sufferers as they in their Discretion shall judge proper. I have the Honour to be

Sir

Your Excellencys most Obedient hum^l Serv^t
J Pownall

Sir

The Secretary tells me He is uncertain whether he sent forward the foregoing Letter to your Excellency at the Time of its Date. If it has been already forwarded you will please to receive this as a Copy, and Excuse my troubling you with a Duplicate to prevent any further uncertainty about it.

Your most Obedient humble Serv^t
J Pownall

Which being Read Ordered with the Advice of this Bord that the following Brief be issued together with Letters to the several Sheriffs of this Province.

p. 251 By his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland

A Brief.

It having been represented to me, by his Majesty's Governor of the Massachusetts Bay in New England, That on the twentieth of March last, a Fire broke out in the Town of Boston, in such Manner as to elude all Means for Suppressing the same, untill it had (according to the best Information that could be obtained) destroyed One hundred and seventy four Dwelling Houses and as many Warehouses, Shops, and other Buildings, which with the Furniture and

other Goods therein, amount, at a moderate Computation, to Lib. J.R. & U. S. One hundred thousand Pounds Sterling; and that, by this unhappy Accident, two hundred and twenty Families were turned out of Doors, the greatest part of whom, being by this Misfortune rendered incapable of Subsisting themselves, were become proper Objects of Charity. And that although he had sent Briefs throughout that Province to procure Relief for the unhappy Sufferers, the Calamity is so great and extensive, that the Means of Relief from amongst themselves, and the Contributions of their own Inhabitants, must be greatly inadequate to the Loss.

His Excellency therefore desires me to recommend it to the People of this Province, to assist in Relieving their distressed Fellow Subjects, and that I would cause what may be collected on this Occasion to be remitted to the Select Men and Overseers of the Poor of the Town of Boston, with whom will be lodged the Collections made in that Government, to be distributed amongst the Sufferers, as they, in their Discretion shall judge proper.

I do therefore hereby most earnestly recommend to the Benevolence and Charity of the good People of this Province, the calamitous and ruined Condition of these unhappy Sufferers; not doubting, but as all are Subject to the like Calamities, and under like Misfortunes would hope & expect the Assistance of their Fellow Subjects and Fellow Christians, that every Person amongst us will contribute on this Occasion, towards alleviating the Miseries of the unhappy Sufferers, in proportion to the Means wherewith God hath severally blessed us. And I do require the several Rectors of Parishes, and other Ministers of the Gospel within this Province, to read, or cause to be read, this Brief, to their respective Congregations, on the first, Second, and third Sundays after they shall receive the same; that they indorse thereon, such Collections as shall be by them severally made; and that this Brief, with the Indorsement thereon, they forthwith transmit to me; and the Sums Collected, they are forthwith to pay to the Sheriff of each County, to be immediately transmitted to the Commissioners of the Paper Currency Office, in the City of Annapolis, that the same may be speedily remitted to the Select Men and Overseers of the Poor of the Town of Boston, agreeable to the laudable and charitable Design of the Contributors.

Given at the City of Annapolis, the Sixth Day of May, in the Tenth year of his Lordships Dominion, and in the year of our Lord Christ, 1760.

Hor^o Sharpe.

Lib. J. R. At a Council held at the City of Annapolis on Monday
& U. S. the Second Day of June in Tenth year of his Lordships
Dominion &c.. Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor
The Honourable Benjamin Tasker Esq^r Col^o Charles Ham-
mond, Stephen Bordley Esq^r

Ordered, with the Advice of this Board, that the Assembly
which stands prorogued to the first Monday in July be further
prorogued to the first Monday in in August being the fourth
Day of the same Month and Proclamations issued accord-
ingly.

At a Council held at Bellair on Monday the Seventh Day
of July in the Tenth year of his Lordships Dominion &c..
Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor.
The Honourable Benjamin Tasker Esq^r Col^o Benjamin
Tasker, Benedict Calvert Esq^r

Ordered, with the Advice of this Board, that the Assembly
which stands prorogued to the first Monday in August be
further prorogued to the first Tuesday in October next being
the Seventh Day of the same Month and Proclamations
issued accordingly.

p. 252 At a Council held at the City of Annapolis on Wednesday
the ninth Day of September in the Tenth year of his Lord-
ships Dominion &c.. Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor.
The { Benjamin Tasker Esq^r } Col^o Benj^a Tasker
Honourable { Col^o Charles Hammond } Stephen Bordley Esq^r
His Excellency is pleased to lay before this Board the
following Letter received from General Monckton.

Fort Pitt 21st August 1760.

Sir

As it cannot be expected that General Amherst will be
able to spare any of the Regular Troops now with him for
the Winter Garrisons of the Posts in this Department which

are now Considerably Increased and the number of regular Troops greatly lessen'd, I think it my Duty Sir to give you the Earliest Notice that it will be absolutely necessary for the Support of his Majestys Rights on Lake Erie and the River Ohio that the Province under your Command should furnish at least two hundred Men with Officers and non Commissioned Officers in proportion. This Sir is so Essential a Service that I cannot in the least Doubt but you will use your utmost Endeavours with the Council and Assembly of your Province to induce them to comply with this so necessary a Requisition. I have the honour to be

Lib. J. R.
& U. S.

Sir

Your most Obedient and humble Serv^t

To Governor Sharpe

Rob^t Monckton

Which being Read Ordered with the Advice of this Board that the Assembly be called on Monday the twenty Second instant and Proclamations issued accordingly.

At a Council held at the City of Annapolis on Monday the twenty Second Day of September in the tenth year of his Lordships Dominion &c Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Honourable	{	Benjamin Tasker Esq ^r	{	Col ^o Benjamin Tasker
		Col ^o Charles Hammond		Benedict Calvert Esq ^r
		Sam ^l Chamberlaine		Stephen Bordley Esq ^r
		Esq ^r		

Ordered with the Advice of this Board, that the Assembly which stands prorogued to Monday the twenty second Instant be further prorogued to Tuesday the twenty third Day of the same Month & Proclamation issued accordingly.

It is likewise the Advice of this Board to his Excellency that he be pleased to order a Letter to be sent to James Weems Esq^r Chief Justice of Calvert County to enquire into the Grounds of a Complaint against Cap^t John Cousins relating to his Importation of some Negroes in the Brigantine Edward into Patuxent River, which Letter being prepared, was read, approved of, and issued as follows

Annapolis 22^d September 1760

Sir

It having been this Day represented to the Governor and Council, that a Negroe called Cap^t Gray & three or four

Lib. J. R. more of the Negroes who were lately imported into Pa-
& U. S. tuxent River in the Brigantine Edward of which one John Cousins is Master have declared that they are not Slaves but Freemen, that the Negroe called Cap^t Gray in particular is the son of a person of some Consequence and Power on the African Coast, and that the said Cousins treacherously stole and brought them away, I am Ordered by his Excellency and their Honours to communicate to you the Information that hath been given them and moreover to Desire that on the Receipt hereof you will send for, and examine the Surgeon Mates and Boatswain of the said Vessell & Endeavour to discover whether Cap^t Cousins hath committed the Crime whereof he is accused, and if you shall either by the Evidence of those Persons or any others be inclined to think that the Master is guilty, you will be pleased to have him apprehended immediately and delivered into the Custody of the Sheriff of Calvert County, and to give that Sheriff Orders to deliver him over to the Sheriff of this County, so that he may be brought without Delay before his Excellency & the Council to be dealt with as to them shall seem meet. If you see Cause for having him apprehended you will be pleased to send hither all the Persons that shall be able to give Evidence against him, & whether you Cause him to be apprehended and brought hither or not, you are desired to return to me the Depositions or Examinations that shall be by you taken on this Occasion. I am

Sir

Your most Obedient humble Serv^t

J Ross Cl: Conc:

To James Weems Esq^r Chief Justice of Calvert County.

p. 253 At a Council held at the City of Annapolis on Tuesday the twenty ninth Day of Septem^r in the tenth Year of his Lordships Dominion &c.. Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable	{	Benjamin Tasker Esq ^r	}	Col ^o Benjamin Tasker
		Col ^o Charles Hammond		Benedict Calvert Esq ^r
		Sam ^l Chamberlaine Esq ^r		Stephen Bordley Esq ^r

Read the Return of James Weems Esq^r in relation to Cap^t Cousins which is as follows.

Maryland Calvert County to wit.

Lib. J. R.
& U. S

By Virtue of an Order from his Excellency the Governor and Council of the Province aforesaid directed to the Subscriber one of his Lordships the Right honourable the Lord Proprietarys Justices of the Peace for the County aforesaid Dated the twenty second Day of September 1760 the following Depositions were taken relating to a Certain John Cousins Master of the Brigantine Edward importing into this Province from the Coast of Africa a Negroe Man called Cap^t Gray another called Cap^t Buck & eleven other Negroes who it has been represented to his Excellency the Governor and Council were Free Persons in their own Country and brought here by the aforesaid Cap^t John Cousins & sold for Slaves.

The Deposition of Elias Glover Chief Mate of the aforesaid Brigantine being Sworn on the holy Evangels of Almighty God Deposeth and saith, that as to the Negroe called Cap^t Gray he was taken in a Theft on board the aforesaid Brigantine and for that detained, that he afterwards was principally concerned in cutting the Cable and endangering the Loss of the Vessel; that as to the negroe called Cap^t Buck, and the eleven other Negroes they were brought on board the Vessel by the Traders, and there left as Pledges, but that to his knowledge there was as much Goods given for them as for the other Slaves, that they had been on board of the Vessel for seven or eight Weeks before the Vessel Sailed, and that the Traders never offered to redeem them and further saith not.

September 27th 1760 Sworn to before Elias Glover
James Weems.

The Deposition of Robert Harrison second Mate of the Brigantine Edward being sworn on the holy Evangels of Almighty God Deposeth and saith, that he knoweth every Article contained in the above Deposition of Elias Glover is true, and that he knoweth nothing more relating to the aforesaid Negroes.

Same Day sworn to before Robert Harrison
James Weems.

The Deposition of Eneas Loughrig Aged about twenty one years who being duely sworn on the holy Evangels of Almighty God Deposeth and saith that he is a Saylor on board of the Brigantine Edward John Cousins Commander and that he Sailed from Liverpool along with the said Cap^t Cousins before the Mast on a Voyage to the Coast of Guinea to purchase Slaves, that during their Trade on that Coast

Lib. J. R. Cap^t Cousins made a Purchase of several Slaves and that he
& U. S. this Deponent believes & never heard to the Contrary but
that all the negroes brought in by Captain Cousins were
Slaves; unless a negroe who calls himself Cap^t Gray should
be Free whose particular Circumstances are as follows, he
Gray was a Servant to a Freeman upon the Coast of Guinea
& that he used to be employed by his Master to go in a
Cannoo to carry Slaves on Board of Trading Vessels and as
a Plavvrer [? Palaverer] that he carried some on board of
the Brigantine Edward whilst he was in that Vessell he stole
a Scarlet Jacket from Cap^t Cousins who never permitted him
(Gray) to go on Shore afterwards, but offered to return him
if he could get another Slave for him which was refused by
those to whom the Offer was made they said he was a Scan-
dal to his Country and they would not give a Slave of four
feet high for him, and this Deponent has heard that it was
usual to punish Thieves after than manner in that Country.

Sworn to this 25 Day of Septem^r 1760 before me

Geo: Steuart.

Advised by this Board that the Captain be Discharged
It being their Opinion that the Complaint is groundless.

Whereupon the said Cap^t Cousins attending was called in
& Discharged accordingly.

p. 254 At a Council held at the City of Annapolis on Tuesday
the seventh Day of October in the Tenth year of his Lord-
ships Dominion &c Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable	{	Benjamin Tasker Esq ^r	}	Col ^o Benjamin Tasker
		Col ^o Cha ^s Hammond		Benedict Calvert Esq ^r
		Sam ^l Chamberlaine		Stephen Bordley Esq ^r
		Esq ^r		

Read the Report of the Justices of the Provincial Court,
and the Petition of John Harrison therein mentioned, which
is as follows

To his Excellency Horatio Sharpe Esq^r Governor of Mary-
land

I humbly Represent to your Excellency that John Har-
rison als John Stewart was at the last Provincial Court
arraigned tryed and found Guilty of Horse stealing and
Sentence of Death pronounced against him.

The Evidence on his Tryal appeared to the Justices then sitting to be full and clear. I am

Lib. J. R.
& U. S.

Your Excellency's Obedient humble Serv^t

27th September 1760.

Jn^o Brice

To His Excellency Horatio Sharpe Esq^r

The Petition of your Petitioner most humbly Sheweth That your Petitioner was arraigned at the last Provincial Court for feloniously Stealing taking & carrying away a Horse and Mare the Property of a certain Andrew Rench for Which (altho he was acquitted on two Trials for the same Fact in Virginia when your Petitioner had it in his power to clear up the unjust Charge) was Convict and Condemned to die partly for want of Money (which was unjustly taken from him by the Accusers) to employ Council and for want of the proper Vouchers to testify the legallity of his having and disposing of the said Horse and Mare who at this time is enlisted into his Majesty's Service known to my Prosecutors and whose boundless Malice at this Juncture were determined to make a Sacrifice of my poor Body; but as these Facts are not in my power to clear up to your Excellencys satisfaction I can only hope for Pardon from your known humane disposition for which may God of his mercy excite your Compassion on your poor distressed & most miserable Wretch in whose Hands my Life, my all depends and therefore I beg I pray (but first most earnestly and with greatest humility ask pardon for this trouble) for the life of your ever humble Petitioner who in duty bound under the greatest lies on this side of the Grave will with most ardent Prayers ever Pray &c.

Your Excellency's most hum^l & most Obed^t

Serv^t John Harrison

29 September 1760.

Which being read and Considered of It is the humble Advice of this Board that his Excellency be pleased to Order Dead Warrant for his Execution on Friday the 17th of this Ins^t October.

Read the Petition of Joseph Smith of Baltimore County—Rejected.

Ordered that the honourable Col^o Charles Hammond Treasurer of the Western Shore draw on M^r William Hunt Merchant in London for the Sum of three pounds fourteen Shillings and one half penny Sterling in full for one years Salary to Michaelmas 1759 and likewise for the Sum of

Lib. J. R. twenty five pounds Sterling a years Salary to Michaelmas
& U. S. 1760 out of the Duty of three pence per Hogshead for
Arms, and Payable unto M^r Henry Walls as Armourer of
this Province.

At a Council held at the City of Annapolis on Wednesday
the fifteenth Day of October in the Tenth year of his Lord-
ships Dominion &c. Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The Honourable	{	Benjamin Tasker Esq ^r	{	Col ^o Benjamin Tasker
		Col ^o Charles Hammond		Benedict Calvert Esq ^r
		Sam ^l Chamberlaine		Stephen Bordley Esq ^r
		Esq ^r		

Read the Petition of the several French Prisoners follow-
ing viz^t Pierre Lescum, Antoin Bellard, Peter Poirree, Leon-
ard Gantier, & Pierre Soin.

It is the humble Advice of this Board to his Excellency
that a Flag of Truce be granted unto David Carcand Com-
mander of the Brigantine Duke of Marlborough in the
following manner.

Instructions to be observed by David Carcand Com-
mander of the Brigantine Duke of Marlborough a Flag of
Truce bound to Port S^t Louis on the Island of Hispaniola.

1st You are to take on Board the said Brig the French
Prisoners in the List Annexed mentioned & Sail with the
first fair Wind and make the best of your way directly for
p. 255 Port S^t Louis and take care during your Passage that all the
Prisoners be well treated according to their Rank.

2^{dly} On your Arrival at Port S^t Louis you are to Cause
my Commission for Exchange of Prisoners to be shewn to
his Excellency Monsieur De Bart Captain in the Navy and
Lieutenant General of French Hispaniola or to the Com-
mander in Chief of Port S^t Louis and to make known to him
that you have brought so many French Prisoners to be Ex-
changed for such British Subjects as may be Prisoners there
according to the Tenor of my Commission.

3^{dly} You are not to put any of the French Prisoners on
Shore before the Commander in Chief shall have acquainted
you that British Subjects are in his Government as Prisoners
of War and shall have agreed with you as to the numbers
of them to be delivered up in Exchange pursuant to my said
Commission and if there should not be an equal Number of
British Subjects to be Exchanged for French Prisoners you

are to take what British Prisoners there are and request a Certificate from the Governor or Commander in Chief setting forth that he hath received the Prisoners sent by you and what Number he returns in Exchange. Lib. J. R
& U. S.

4^{thly} If there be any Prisoners there lately Inhabitants of or belonging to Maryland you are to insist that they be of the number delivered to you in Exchange.

5^{thly} When you have got the British Prisoners on Board you are to Desire a Passport or safe Conduct from the Governor or Commander in Chief to protect you and the said Brig from being molested by any Men of War Privateers or Subjects of the most Christian King or any of his Allies.

6^{thly} You are to take care not to offer any insults to any of the Subjects of his most Christian Majesty or his Allies nor carry any kind of Warlike Stores or Provisions except what is necessary for the Maintenance of the Crew and Prisoners.

7^{thly} You are not to carry any more than two Pieces of Cannon nor Fire any Guns unless as a Signal or for a Pilot.

8^{thly} You are to Wear English Colours with a White Ensign on your Main Top Mast so that it may be seen.

9^{thly} You are to bring to for every Vessell that shall Demand it shewing your proper Colours & my Commission and not to make resistance against any one. Given under my Hand at Annapolis in the Province of Maryland the Eighteenth Day of October 1760.

Hor^o Sharpe

Advised that the Council Room be repaired and shingled and that a Workman be agreed with to do the same, and that the Agreement with him be such that he takes his Pay in the Journal of Accounts: And Colonel Robert Jenkins Henry agrees to provide and bring up a sufficient Number of Shingles to cover the same and to receive pay for them in the same manner.

At a Council held at the City of Annapolis on Wednesday the twenty second Day of October in the tenth year of his Lordships Dominion &c.. Annoque Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor

The Honourable Col^o Hammond, Stephen Bordley Esq^r

His Excellency acquaints this Board that his Lordship the Right Honourable the Lord Proprietary had appointed John

Lib..J. R. Ridout Esq^r a Member of the Council and the Upper House
& U. S. of Assembly, and that he Attends in order to be qualified who takes the several Oaths to the Government subscribes the Abjuration and Test and takes the Oath of a Councillor who thereupon takes his Place at the Board Accordingly.

p. 256 Read the Right Honble M^r Secretary Pitts Letter to the Governor

Whitehall 23^d August 1760.

Sir

The Commanders of his Majesty's Forces and Fleets in North America, & in the West Indies, having transmitted repeated & certain Intelligence of an illegal & most pernicious Trade carried on by the Kings Subjects in North America and the West Indies as well to the French Islands, as to the French Settlements on the Continent of America and particularly to the Rivers Mobile & Mississippi by which the Enemy is, to the Reproach & Detriment of Government supplied with Provisions & other necessities whereby they are principally if not alone enabled to sustain and protract this Long and expensive [war], And it further appearing that large Sums in Bullion are also sent by the Kings Subjects to the above Places in return whereof Commodities are taken which interfere with the produce of the British Colonies themselves in open Contempt of the Authority of the Mother Country as well as to the most manifest Prejudice of the Manufactures & Trade of Great Britain: In order therefore to put the most speedy and effectual stop to such flagitious Practices so utterly subversive of all Law and so highly repugnant to the Honour and well being of this Kingdom It is his Majestys express Will and Pleasure that you do forthwith make the strictest and most diligent Enquiry into the State of this dangerous and ignominious Trade, and you do use every Means in your Power to detect & discover Persons concerned either as Principals or accessaries therein and that you do take every step Authorized by Law to bring all such heinous Offenders to the most exemplary and Condign Punishment and you will as soon as may be and from Time to Time transmit to me for the Kings Information full and particular Accounts of the progress you shall have made in the Execution of these his Majestys Commands to which the King expects that you do pay the most exact obedience And you are further to use your utmost endeavours to trace out and investigate the various Artifices and evasions by which the Dealers in this iniquitous Inter-course find means to Cover their Criminal proceedings & to elude the Law, in order that from such lights, due and

timely consideration may be had, what further provisions shall be necessary to restrain an Evil of such extensive & pernicious consequences. I am

Lib. J. R.
& U. S.

Sir

Your most Obedient humble Serv^t

To the Governor of Maryland.

W Pitt

Advised that the following Letter be sent to the several Officers of his Majestys Customs within this Province
Sir

His Majestys Ministers having received repeated & certain intelligence of an illegal Trade being carried on by many of the Kings Subjects in North America & the West Indies as well to the French Islands as to the French Settlements on this Continent particularly to the Rivers Mobile and Mississippi by which it is said that the Enemy is supplied with Provisions and other necessaries & thereby principally if not alone enabled to sustain and protract this long and expensive War, and it having been likewise represented that large Sums in Bullion are also sent by the Kings Subjects to the abovementioned Places in return for which Commodities are taken which interfere with the Produce of the British Colonies themselves; The Right honourable William Pitt Esq^r one of his Majestys principal Secretaries of State hath thereupon by a Letter Dated the 23 of August last signified it to me to be his Majestys express will and Pleasure that I should forthwith make the most strict & diligent Enquiry into the state of the abovementioned dangerous and ignominious Trade, use every means in my power to detect and discover Persons concerned either as Principals or Accessories therein and also take every step Authorized by Law to bring all such heinous offenders to the most exemplary and Condign Punishment. In order therefore that his Majestys will and Pleasure may be most punctually obeyed within this Province I have thought fit to communicate to you the Contents of the Secretary of States Letter to which it is expected you will pay due regard so that no such Trade with the Enemy may be carried on by any of the Inhabitants of this Province or if you know any Person that have been already concerned in carrying on such a Trade from Maryland I desire you will inform me and altho no Trade with the Enemy should have been carried on from this Province (which I hope is the Case) yet I desire you will by making enquiry concerning the manner of carrying on this pernicious Trade of the Masters of such Vessels as may come from either the West Indies or the Northern Colonies to

p. 257

Lib. J. R. Enter at your Office and endeavour to trace out and investi-
& U. S. gate the various Artifices and Evasions by which the Dealers
in this iniquitous intercourse find means to Cover their
Criminal Proceedings and to elude the Law, and I desire
that you will without Delay communicate to me the dis-
coveries you shall make that I may advise his Majesty's
Ministers thereof. I am

Sir Your most obedient humble Serv^t
Hor^o Sharpe

Advised that the Flag of Truce granted on the 15 Instant
to David Carcand Commander of the Brigantine Duke of
Marlborough be stopped and that the Captain deliver up all
the Papers granted him for that Purpose.

Advised that the Land in Frederick County whereon Fort
Frederick is built, and which by Deed is made over to the
Governor for the use of the Country, be leased by the Gov-
ernor in the best manner he can so as to preserve the House
already built thereon and that the Rent for the same be
paid to the Governor to be applyed by him for the Countrys
Service in such manner as he shall think necessary.

p. 258 At a Council held at the City of Annapolis on Tuesday
the thirtieth Day of December in the tenth Year of his
Lordship's Dominion Annoq Domini 1760..

Present

His Excellency Horatio Sharpe Esq^r Governor
The honourable Benjamin Tasker Esq^r Stephen Bordley
Esq^r and John Ridout Esq^r

His Excellency is pleased to acquaint the Board that he
has seen in the Gentleman's Magazine for October last an
Account of the late King's Death in the following Manner.

From the Gentleman's Magazine for October 1760.

Saturday 25th October 1760..

Whitehall Between the Hours of seven and eight this
Morning our late most gracious Sovereign King George the
second was suddenly seised at his Palace at Kensington by a
violent Disorder and fell down speechless and soon expired,
notwithstanding all possible Methods used for his Recovery,
His Majesty departed this Life in the 77th Year of his Age
and the 34th of his Reign; beloved, honoured, and regretted
by his Subjects, for his eminent and princely Virtues.

Whereupon the Lords of the Privy Council assembling at Carleton House gave Orders for proclaiming his present Majesty who caused all the Lords and others of the late King's Privy-Council to be sworn of his Majesty's Privy-Council and was pleased to make the following most gracious Declaration.

The Loss that I and the Nation have sustained by the Death of the King my Grand-father would have been severely felt at any Time but coming at so critical a Juncture and so unexpected it is by many Circumstances augmented and the Weight now falling upon me much increased, I feel my own Insufficiency to support it as I wish; but animated by the tenderest Affection for my native Country and depending on the Advice Experience and Abilities of your Lordships, on the Support and Assistance of every honest Man, I enter with Chearfulness into this arduous situation and shall make it the Business of my Life to promote in every Thing the Glory and Happiness of these Kingdoms to preserve and strengthen both the Constitution in Church and State; and as I mount the Throne in the Midst of an expensive but just and necessary War, I shall endeavour to prosecute it in the Manner the most likely to bring on an honourable and lasting Peace in Concert with my Allies.

Whereupon the Lords of the Council made it their humble Request to his Majesty that this his Majesty's most gracious Declaration to their Lordships might be made publick, which his Majesty was pleased to order accordingly.

F.. Vernon.

At the Court at Carleton House.

Present the Kings most excellent Majesty.

His Royal Highness the Duke of Cumberland.

Archbishop of Canterbury	Viscount Barrington
Duke of Leeds	Viscount Ligonier
Duke of Newcastle	Lord Anson
Earl of Holderness	Lord Mansfield
Earl of Cholmondley	M ^r Vice Chamberlain
Earl of Waldegrave	M ^r Secretary Pitt
Earl Gower	Henry Fox Esq ^r
Viscount Falmouth	S ^r Tho ^s Robinson

His Majesty at his first coming into the Council was this Day pleased to declare that understanding that the Law requires that he should at his Accession to the Crown take and subscribe the Oath relating to the Security of the Church of Scotland he was now ready to do it this first opportunity

Lib. J. R. which his Majesty was graciously pleased to do according to
& U. S. the forms used by the Laws of Scotland, and subscribed two Instruments thereof in the Presence of the Lords of the Council who witnessed the same and his Majesty was pleased to order that one of the said Instruments be transmitted to the Court of Session to be recorded in the Books of Sederunt and afterwards to be forthwith lodged in the public Register of Scotland, and that the other of them remain among the Records of the Council and be entred in the Council Book.

His late Majesty rose in the Morning at his usual Hour without any apparent Signs of Indisposition, he called his Page, drank his Chocolate, and enquired about the Wind, as if anxious of the Arrival of the Mails, he opened his Window and looking out of it and seeing it a fine Day said he would walk in the Garden, this passed while the Page attended him at Breakfast but on leaving the Room he heard a deep Sigh immediately followed by a Noise like the falling of a Billet of Wood from the Fire, and returning hastily found the King drop't from his Seat, as if attempting to ring the Bell, who said faintly, call Amelia, and then expired, he was instantly raised and laid upon the Bed, the Princess was called, who was told he was dead upon her entering the Room, but being a little deaf and her Spirits being hurried by the Alarm, she did not understand what was said, and ran up to the Bed-side and stooping tenderly over her Father as thinking he might speak to her in a low Voice she then first discovered he was dead, This Shock so sudden and so unexpected and so violent threw her into an Agony and produced a Disorder [from which] she is not yet recovered. His Majesty in the Fall received a small Hurt on his Temple and his Physicians and Surgeons being sent for came instantly to his Assistance but without Effect. An Attempt was made to bleed him but the Issues of Life were dried up. The News of this Event which threw the Court into the utmost Consternation was carried to the Secretary of State M^r Pitt, whose Coach was ready at the Door to drive to his Country Seat was then ordered instantly to Kew where he acquainted his Majesty with the great Event in Form, the King having first heard it on the Road as he was riding out by a Messenger who had been dispatched by one of the Pages of the Presence, he turned back and at Kew he received a Letter from the Princess Amelia, soon after which M^r Pitt arrived. His Highness prepared immediately to attend the Privy Council, that upon the Kings Demise had got together as fast as possible.

Upon opening his Majesty the right Ventricle of his Heart was found burst and the Pericardium filled with a great

Quantity of extravasated and coagulated Blood, the left Ventricle was found empty, and the Coats of all the Vessels were worn away extremely thin, and every symptom appeared, that indicated a universal Decay of all the vital Parts; his Majesty had been frequently out of Order of late, and his Pulse so extremely low that the Physicians could scarce perceive any Motion in it at all, the Key of his Bureau was found in his Hand.

Lib. J. R.
& U. S.

Sunday 26th October

This Day about Noon his Majesty King George the third was proclaimed, first before Saville-House where the Officers of State, Nobility, and privy Councillors were present with the Officers of Arms all being on Foot; then the Officers of Arms being mounted on Horseback, the like was done at Charing-Cross within Temple Bar, at the End of Wood-Street in Cheapside, and lastly at the Royal-Exchange with the usual Solemnities, The Arch-Bishop of Canterbury, the Duke of Leeds and Lord Falmouth attended the Procession into the City. p. 260

The Form of the Proclamation is as follows.

Whereas it has pleased Almighty God to call to his Mercy our late Sovereign Lord King George the second of Blessed Memory by whose Decease the Imperial Crowns of Great Britain France and Ireland are solely and rightfully come to the high and mighty Prince George, Prince of Wales, We therefore the Lords Spiritual and Temporal of this Realm being here assisted with these of his late Majesty's Privy Council with Numbers of other principal Gentlemen of Quality with the Lord Mayor Aldermen and Citizens of London do now hereby with one Voice and Consent of Tongue and Heart publish and proclaim that the high and mighty Prince George Prince of Wales is now by the Death of our late Sovereign of happy Memory become our only lawful and rightful Liege Lord George the third by the Grace of God King of Great Britain France and Ireland Defender of the Faith and so forth, to whom we acknowledge all Faith and constant Obedience with all hearty and humble Affection, beseeching God by whom Kings and Queens do reign to bless the royal Prince George the third with long and happy Years to reign over us. Given at the Court at Carleton House this 25th Day of October 1760. God save the King.

William; Tho^s Cant.. Leeds; Holderness; Cholmondley; Holles Newcastle; Falmouth Mansfield; Waldegrave; Gower; Anson; Barrington; Ligonier; W.. Pitt; W.. Finch; T.. Robinson; H.. Fox; Thomas Chitney Mayor and 34: more Noblemen and Gentlemen.

Lib. J. R.
& U. S.

Monday 27th of October

This Day his Royal Highness Edward Duke of York, was by his Majesty's Command sworn of his Majesty's most honourable Privy-Council and took his Place at the Board on his Majesty's Right Hand.

The Right Honourable John Earl of Bute was by his Majesty's Command sworn of his Majesty's most honourable Privy-Council and took his Place at the Board accordingly.

His Majesty was pleased to order that the Parliament should be prorogued to Thursday the thirteenth Day of November next.

His Majesty was pleased to declare, that in all the Prayers, Liturgies, and Collects for the Royal Family instead of the Words {“their Royal Highnesses George Prince of Wales, the Princess Dowager of Wales, the Duke, the Princesses, and all the Royal Family”} be inserted {Her Royal Highness the Princess Dowager of Wales, and all the Royal Family.}

Tuesday 28th October

Lord Chamberlains Office October 28th 1760: Orders for the Court to go into Mourning on Sunday next the second of November for his late Majesty King George the second of blessed Memory (viz^t)

The Ladies to wear black Bombazines, plain Muslin, or long Lawn Linen, Crape Hoods, Shamoy Shoes and Gloves, and Crape Fans. Undress: dark Norwich Crape.

The Men to wear black Cloth without Buttons on the Sleeves and Pockets, plain Muslin or long Lawn Cravats and Weepers, Shamoy Shoes and Gloves, Crape Hatbands, and black Swords and Buckles. Undress: dark grey Frocks.

p. 261 The Lord Marshal's Order for a general Mourning for his late Majesty King George the second.

In Pursuance of an Order of his Majesty in Council the 27th Day of October 1760. These are to give public Notice that it is expected that all Persons upon the present Occasion of the Death of his late Majesty of blessed Memory do put themselves into the deepest Mourning (long Cloaks only excepted) the said Mourning to begin upon Sunday the second of November next, And his Majesty is pleased to permit the Officers of the Army to appear before him in red, faced with black, and the Officers of the Fleet in blue faced with black

Effingham M.

Wednesday 29th of October

A Proclamation was issued requiring all Persons that were in Office of Authority or Government at the Decease of the

late King to proceed in the Execution of their respective Offices, and to take the Oaths to his present Majesty as soon as convenient. Lib. J. R.
& U. S.

and desires their Opinion (he not having received any regular Advice thereof) whether he should now proclaim his present Majesty King George the third, who are of Opinion that it would be better to delay the same for some short Time, and it is ordered that Jonas Green Printer do not insert in the next Paper of News published by him the Account of the Death of his Majesty King George the second in any Manner whatsoever.

At a Council held at the City of Annapolis on Thursday the first Day of January in the tenth Year of his Lordship's Dominion Annoq Domini 1760.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker Esq^r Stephen Bordley Esq^r and John Ridout Esq^r

The Conviction of Negro Tom and Negro Nace of Charles County Slaves of a certain Hugh Mitchell of the said County is laid before this Board, ordered the following Letter be sent to the Clerk of the said County.

Sir

The Governor and Council upon hearing read the Copy of the Conviction of Negro Tom for a Felony and also of Negro Nace for a Felony in breaking open the Meat-House of Catharine Price of your County sent up by you without any Letter or Report from the Justices of the County who were present at the Tryals how the Circumstances appeared to them, you are therefore desired to enquire of them in Relation to the same, and transmit their Answer to me by the first opportunity in Order to lay it before the Council at their next Meeting.

I am Sir your humble Servant

J. Ross Cl. Conc.

Ordered that the Clerk of the Board write to the Clerk of Talbot County to send a Copy of the Conviction of a Negro Woman at the last County Court on Suspicion of poysoning.

Lib. J. R. At a Council held at the City of Annapolis on Thursday
& U. S. the first Day of January in the tenth Year of his Lordship's
p. 262 Dominion Annoq Domini 1761.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable Benjamin Tasker Esq^r Stephen Bordley Esq^r and John Ridout Esq^r

Read the Conviction of Negro Tom and Negro Nace of Charles County Slaves of a certain Hugh Mitchell of the same County whereby it appears Sentence of Death had been passed upon them for breaking open the Meat-House of a certain Catharine Price and stealing therefrom sundry Goods and Chattels, and the Report of the Justices thereupon sent by the Clerk of the said County, and also the Petition of the Reverend Theophilus Swift and some of the Justices of the said County recommending the said Negroes as Objects of Mercy.

Ordered with the Advice of this Board that Pardon issue for the said Negroes which issued accordingly.

His Excellency having while the Council was sitting received a Packet by Express from Philadelphia was pleased after opening it to inform the Board that it contained Instructions from the Right Honourable the Lord Proprietary issued as appears upon the Demise of his late Majesty King George the second of Blessed Memory Instructions from his sacred Majesty King George the third, A Letter from his present Majesty's most honourable Privy Council to the Right honourable Lord Baltimore together with a Form of a Proclamation to be published in this his Majesty's Province of Maryland, and also sundry Proclamations and Declarations made by his sacred Majesty King George the third, which Instructions, Form of a Proclamation, Proclamations and Declarations are as follow.

[L. S.] Frederick absolute Lord and Proprietary of the Province of Maryland and Avalon in America Lord Baron of Baltimore in the Kingdom of Ireland.

Orders and Instructions to be observed and pursued by our trusty and well beloved Horatio Sharpe Esq^r our Lieutenant General and Chief Governor of our Province of Maryland.

F: Baltimore

The Almighty God having been pleased to take to his Mercy our late Sovereign Lord King George the Second of glorious Memory, you are immediately on the Receipt of

these my Orders and Instructions to summons our Provincial Council of State and make known to them that by his Majesty's Demise the Imperial Crowns of Great Britain, France and Ireland are solely and rightfully come to the High and Mighty Prince George, Prince of Wales our only lawful Liege Lord King George the third King of Great Britain, France and Ireland Defender of the Faith and so forth, and to whom we do acknowledge all Faith and Allegiance with all hearty and real Affection. And the Lords of the Privy Council having signified to me "It having pleased Almighty God to take to his Mercy out of this troublesome Life our late Sovereign Lord King George the second of blessed and glorious Memory and thereupon his Royal Majesty King George the third being here proclaimed We have thought fit to signify the same unto your Lordship to the End that you do give immediate Directions for proclaiming his most sacred Majesty King George the third in the Province of Maryland according to the Form here inclosed with the Solemnities and Ceremonies requisite on the like Occasions." I now herewith inclose to you the said Form and I strictly require and direct that you and our said Council do cause the same to be proclaimed in our said Province accordingly. His Majesty's Privy Council having also signified to me to give the like Directions for publishing and proclaiming a Proclamation for continuing the Officers in his Majesty's Plantations 'till his Majesty's Pleasure shall be further signified, which Proclamation declaring his Majesty's Pleasure is thus dated "Given at our Court at Saville House the 27th day of October 1760 in the first Year of our Reign" I now inclose you the said Proclamation printed by Authority, and you with our said Council are to publish and proclaim, and make known to all our Provincial Clergy his Majesty's Declaration in Council signed, F.. Vernon, dated the 27th Day of October 1760. viz^t Whereas by the late Act for Uniformity which establisheth the Liturgy and enacts that no Form or Order of Common Prayers be openly used others than what is prescribed and appointed to be used in and by the said Book, it is notwithstanding provided that in all those Prayers, Litanies, and Collects, which do any wise relate to the King, Queen, or Royal Progeny, the Names be altered and changed from Time to Time and fitted to the present Occasion according to Direction of lawful Authority, His Majesty was pleased this Day in Council to declare his Royal Will and Pleasure, that in all the Prayers Liturgies, and Collects for the Royal Family instead of the Words ("their Royal Highnesses George Prince of Wales, the Princess Dowager of Wales, the Duke, the Princesses, and

Lib. J.R.
& U. S.

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Lib. J. R. all the Royal Family") be inserted (Her Royal Highness
& U. S. the Princess Dowager of Wales and all the Royal Family")
Which Declaration printed by Authority I now inclose you,
and you are to conform with our said Council in like Man-
ner to all other Proclamations and Declarations from his
most sacred Majesty that shall be sent unto you by his
Majesty's Authority, and all other Persons whatsoever in
our said Province are to conform and to pay all due Obe-
dience thereto, as they will answer the Contrary at their
utmost Perils.

And you are to conform to all such Orders and Instruc-
tions as were sent by the late Lord Proprietary or have
been sent heretofore to your Predecessors the former Gov-
ernors of our said Province, as you shall find them entered
in the Council Books, you are to conform to all such Orders
and Instructions so far as the same are not altered or varied,
and where any such Orders and Instructions have been
altered or varied by my Predecessors or me and the Lords
and Proprietors of our said Province by subsequent Orders
and Instructions, you are to follow such last Orders and
Instructions.

And you are to cause these my Orders and Instructions to
be forthwith entered in the Council Books of the said Prov-
ince, and you and all other Persons in our said Province are
to act accordingly.

Given under our Hand and Seal at Arms at London this
thirtieth Day of October in the ninth Year of my Dominion
over the said Province and in the year of our Lord 1760.

F B.

By his Lordship's Command, Cecil^s Calvert Sec^y

After our hearty Commendations to your Lordship, It
having pleased Almighty God to take to his Mercy out of this
troublesome Life our late Sovereign Lord King George the
second of blessed and glorious Memory; and thereupon his
Royal Majesty King George the third being here proclaimed
We have thought fit to signify the same to your Lordship
to the End that you do give immediate Directions for pro-
claiming his most sacred Majesty King George the Third in
the Province of Maryland according to the Form here in-
closed with the Solemnities and Ceremonies requisite on the
like Occasions; And your Lordship is also to give the like
Directions for publishing and proclaiming a Proclamation
herewith transmitted to you for continuing the Officers in his
Majesty's Plantations 'till his Majesty's Pleasure shall be
further signified; And so not doubting of your Lordship's

ready Compliance herein, we bid your Lordship very heartily Lib. J. R.
farewell. From the Council Chamber at Leicester House & U. S.
this thirty first Day of October 1760.

Your Lordship's very loving Friends

Tho^s Cant
Granville
Temple P S.
Denbigh
Gower

Lord Baltimore Lord Proprietary of the
Province of Maryland.

Dunk Halifax
Nugent

Whereas it hath pleased Almighty God to call to his Mercy our late Sovereign Lord King George the Second of Blessed and Glorious Memory by whose Decease the Imperial Crowns of Great Britain, France, and Ireland, as also the supreme Dominion and Sovereign Right of the Province of Maryland and all other his late Majesty's Dominions in America are solely and rightfully come to the High and Mighty Prince George Prince of Wales, We therefore the Deputy Governor and Council with Numbers of the principal Inhabitants and Planters of this Province do now hereby with one full Voice and Consent of Tongue and Heart publish and proclaim that the High and Mighty Prince George, Prince of Wales, is now by the Death of our late Sovereign of happy and glorious Memory become our only lawful and rightful Liege Lord George the third by the Grace of God King of Great Britain, France, and Ireland Defender of the Faith, supreme Lord of the said Province of Maryland, and all other his late Majesty's Territories and Dominions in America to whom we do acknowledge all Faith and constant Obedience with all hearty and humble Affection, beseeching God by whom Kings and Queens do reign to bless the Royal King George the third with long and happy Years to reign over us. Given at [Annapolis]

God save the King.

At the Court at Carleton House the 25th day of October
1760

Present

The King's most Excellent Majesty in Council

His Majesty being this Day present in Council was pleased to make the following Declaration, viz^t

The Loss that I and the Nation have sustained by the Death of the King my Grand-father would have been severely felt at any Time but coming at so critical a Juncture;

Lib. J. R. and so unexpected, it is by many Circumstances augmented,
 & U. S. and the Weight now falling upon me much increased: I
 feel my own Insufficiency to support it as I wish; but ani-
 mated by the tenderest Affection for this my native Country,
 and depending on the Advice, Experience and Abilities of
 your Lordships, on the Support and Assistance of every
 p. 265 honest Man I enter with Chearfulness into this arduous
 Situation and shall make it the Business of my Life to
 promote in every Thing the Glory and Happiness of these
 Kingdoms to preserve and strengthen both the Constitution
 in Church and State; and as I mount the Throne in the
 Midst of an expensive but just and necessary War, I shall
 endeavour to prosecute it in the Manner the most likely to
 bring on an honourable and lasting Peace, in Concert with
 my Allies.

Whereupon the Lords of the Council made it their humble
 Request to his Majesty that this his Majesty's most gracious
 Declaration to their Lordships, might be made public, which
 his Majesty was pleased to order accordingly.

F. Vernon

By the King

A Proclamation

Declaring his Majesty's Pleasure for continuing the Offi-
 cers in his Majesty's Plantations 'till his Majesty's Pleasure
 shall be further signified.

George R: Whereas by an Act of Parliament made in
 the sixth Year of the late Queen Anne of blessed Memory
 intituled "An Act for Security of her Majesty's Person and
 Government, and of the Succession to the Crown of Great
 Britain in the Protestant Line" it was enacted (amongst
 other Things) that no Office Place or Employment, Civil or
 Military within any of her said late Majesty's Plantations,
 should become void by Reason of the Demise or Death of her
 said late Majesty her Heirs or Successors Kings or Queens
 of this Realm; but that the Person and Persons in any of the
 Offices Places or employments aforesaid should continue in
 their respective Offices, Places, and Employments for the
 space of six Months next after such Death or Demise unless
 sooner revoked and discharged by the next in Succession to
 whom the Crown of this Realm should come remain and be
 according to the several Acts of Parliament for limiting and
 settling the succession of the Crown, as by the said recited
 Act may appear: And in Regard it may happen that our
 Pleasure may not within the said Time be declared touching
 the said Offices, Places and Employments in our foreign

Plantations, which will at the End of the said six Months Lib. J. R.
become void we for preventing the Inconveniencies that may & U. S.
happen thereby in our princely Wisdom and Care of the
State (reserving to our Judgment hereafter the Reformation
and Redress of any Abuses in the Execution of any such
Offices, Places and Employments upon due Knowledge and
Examination thereof) have thought fit with the Advice of
our Privy Council to issue this our Royal Proclamation, and
do hereby order, signify, and declare, that all Persons that
at the Time of the Decease of our late Royal Grand-father
King George the second of glorious Memory were due and
lawfully possessed of or invested in any Office Place or Em-
ployment Civil or Military in any of our Plantations and
which have not been since removed from such their Offices,
Places and Employments as formerly they held and enjoyed
the same, until our Pleasure be further known or other
Provision be made pursuant to the Commissions and Instruc-
tions of our said late Royal Grandfather to his Governors
and Officers of the Plantations aforesaid, and that in the p. 266
mean Time for the Preservation of the Peace, and necessary
Proceedings in Matters of Justice, and for the Safety and
Service of the State; all the said Persons of whatsoever
Degree or Condition do not fail every one severally accord-
ing to his Place Office or Charge to proceed in the Per-
formance and Execution of all Duties thereunto belonging
as formerly appertained unto them during the Life of our
said late Royal Grandfather. And further we do hereby
will and command all and singular our Subjects in the said
Plantations of what Estate or Degree, they or any of them
be to be aiding helping and assisting of the Commandment
of the said Officers in the Performance and Execution of
the said Offices and Places, as they tender our Displeasure
and will answer the contrary at their utmost Perils:

Given at our Court at Saville House, the twenty seventh
Day of October one thousand seven hundred and sixty, in
the first Year of our Reign.

God save the King.

George R.

Instruction to our trusty and well beloved Horatio Sharpe
Esq^r Deputy Governor of our province of Maryland in
America, or to the Commander in Chief of the said Province
for the Time being, Given at our Court at Leicester House
the 31st Day of October 1760: in the first year of our Reign.

Whereas we have been pleased by our Order in Council
of 27th of October Inst.. (a Copy whereof is hereunto an-
nexed) to declare our Pleasure that in all the Prayers, Lit-

Lib. J. R. anies, and Collects, for the Royal Family, instead of the
& U. S. Words (their Royal Highnesses George Prince of Wales, the Princess Dowager of Wales the Duke the Princesses and all the Royal Family) there should be inserted (Her Royal Highness the Princess Dowager of Wales and all the Royal Family) our Will and Pleasure therefore is that in all the Prayers, Litanies, and Collects for the Royal Family to be used within our Province of Maryland in America under your Government instead of the Words (their Royal Highnesses George Prince of Wales the Princess Dowager of Wales, the Duke, the Princesses and all the Royal Family) there be inserted (Her Royal Highness the Princess Dowager of Wales, and all the Royal Family) and for the better Notice hereof in our said Province, it is our further Will and Pleasure that you cause the same to be forthwith published in the several Parish-Churches and other Places of divine Worship within the said Province and that you take Care that Obedience be paid thereto accordingly

A true Copy of the Original entered in G.. R..
the Office of the Lords Commissioners for
Trade and Plantations.
Plantation Office Nov^r 1st 1760: John Pownall Sec^y

At the Court at Saville House the 27th Day of October 1760.

Present

The King's most Excellent Majesty in Council

p. 267 Whereas by the late Act of Uniformity which establisheth the Liturgy and enacts that no Form or Order of Common Prayers be openly used, other than what is prescribed and appointed to be used in and by the said Beck it is notwithstanding provided that in all those Prayers Litanies and Collects which do any wise relate to the King, Queen, or Royal Progeny the Names be altered and changed from Time to Time, and fitted to the present Occasion according to the Direction of lawful Authority His Majesty was pleased this Day in Council to declare his Royal Will and Pleasure, that in all the Prayers Liturgies and Collects for the Royal Family instead of the Words (their Royal Highnesses George Prince of Wales, the Princess Dowager of Wales the Duke the Princesses, and all the Royal Family be inserted (Her Royal Highness the Princess Dowager of Wales, and all the Royal Family) And his Majesty doth strictly charge and command, that no Edition of the Common Prayer be from henceforth printed but with this Amendment, and that in the mean Time, 'till Copies of such

Edition may be had all Parsons Vicars and Curates within this Realm, do (for the preventing of Mistakes) with the Pen correct and amend all such Prayers in their Church Books, according to the foregoing Direction; and for the better Notice hereof that this Order be forthwith printed and published, and sent to the several Parishes, and that the right Reverend the Bishops do take Care that Obedience be paid to the same accordingly.

F.. Vernon.

Which Instructions &c. having been severally read and his Excellency having advised with the Council thereon, It was ordered that a Proclamation be forthwith prepared according to the Form transmitted from England for proclaiming that the High and Mighty Prince George Prince of Wales is now by the Death of our late Sovereign of happy and glorious Memory become our only lawful and rightful Liege Lord George the third by the Grace of God King of Great Britain, France and Ireland Defender of the Faith, supreme Lord of the Province of Maryland and all other his late Majesty's Territories and Dominions in America &c.. Also that a Proclamation be prepared, directing an Alteration to be made in the Prayers of the Church for the Royal Family agreeable to his Majesty's Instructions dated at Leicester-House the 31st of October, and that Copies be likewise made of his Majesty's gracious Declaration in Council on the 25th of October, and of his Proclamation published the 27th of October for continuing Officers. His Excellency was then pleased to inform the Members who were present that he proposes (they having so advised) to proclaim his Majesty in the City of Annapolis on Tuesday next at the Hour of twelve o'Clock, and it is thereupon ordered that the Clerk notify the said Resolution to the absent Members of his Lordship's Council, the Corporation of the City of Annapolis, the Sheriff and Clerk of Ann Arundel County and the Commanding Officer of the Militia of the said County in such Manner as that the Members of the Council, the Corporation, the Justices of the County with the Sheriff and Clerk of the Militia may on Tuesday next attend the Ceremony and Solemnity of the Proclamation and it is moreover ordered that the Clerk prepare with all possible Dispatch Proclamations in proper Form to be sent with Copies of his Majesty's Proclamations and Declarations to the Sheriffs of the several Counties after the Manner that hath been heretofore pursued and observed in this Province on similar Occasions.

Ordered that the following Letters be sent to the several Members of his Lordship's Council.

Lib. J. R.
& U. S.

Lib. J. R.
& U. S. Sir

Annapolis 23^d of January 1761.

The Governor having by sundry Letters and Instructions been advised of the Demise of our late Sovereign King George the second of glorious Memory and being required upon the Receipt of such Instructions to convoke the Members of his Lordship's Council and proclaim his most sacred Majesty King George the third in this his Province of Maryland hath determined to proclaim his Majesty accordingly in this City on Tuesday next at twelve o'Clock when he hopes you will not fail to give your Attendance, his Excellency likewise hopes you will if possible, be present at a Council, which is to be held, the 26th Instant at ten o'Clock

I am Sir your humble Servant

J Ross Cl Conc.

Ordered that the following Letter be sent to the Colonel of the Militia of Ann Arundel County.

Sir

His Excellency having by sundry Letters and Instructions been advised of the Demise of our late Sovereign King George the second of glorious Memory and being required upon the Receipt of such Instructions to proclaim his most sacred Majesty King George the third in this his Province of Maryland hath by Advice of the Council determined to proclaim his Majesty accordingly in this City on Tuesday next at twelve o'Clock He therefore desires that you will give Orders to the several Field Officers and other Officers of the Militia under your Command to march hither with their respective Troops and Companies properly accoutred and provided in Order that they may at the Time above mentioned be drawn up under Arms on the Stadt House Hill as hath been usual on similar Occasions and attend the Ceremony of the Proclamation.

I am Sir your humble Servant

To Col^o Hammond.

J Ross Cl.. Conc.

At a Council held at the City of Annapolis on Monday the 26th Day of January in the tenth Year of his Lordship's Dominion Annoq Domini 1761.

Present

The honourable Benjamin Tasker Esq^r Stephen Bordley Esq^r and John Ridout Esq^r

Read John Pownall Esq^r Secretary to the Board of Trade his Letter, and also two Letters from his Excellency General Amherst, relating to the Kings Death.

Whitehall Oct^r 29th 1760. Lib. J. R.
& U. S.

Sir

In Consequence of the melancholy Event of the King's p. 269
Death on the 25th Instant, I am directed by the Lords Com-
missioners for Trade and Plantations to take the Oppor-
tunity by the Packet of acquainting you that the necessary
Forms for proclaiming his present Majesty in the Colonies
together with Warrants for using the old Seals, Proclama-
tions for continuing Officers in their Employments, Orders
for Alteration of the Liturgy &c. &c. are preparing with all
possible Dispatch, and will be transmitted to yourself and
the rest of the Governors and Commanders in Chief of his
Majesty's Colonies in America in a few Days

I am Sir, your most obedient humble Servant

John Pownall Sec^y

New York 1st of January 1761.

Sir

Yesterday arrived here Captain Prescott one of my Aid de
Camps with Letters from M^r Secretary Pitt notifying to me
the most melancholy News of the Death of the late King on
the 24th October in the most sudden Manner his Majesty
having appeared perfectly well the Day before and even that
very Morning, that his present Majesty was proclaimed the
next Day, that the Parliament met on the 26th and that the
King was firmly resolved steadily to support his Allies, and
to prosecute the War with the utmost Vigour These being his
Majesty's Resolutions; altho I have not as yet received any
Commands for the particular Operations which it may be
found expedient to pursue in this Country I think it incum-
bent on me to give you the earliest Notice of the King's
Intentions, and at the same Time to acquaint you that the
Services which still remain to be put into Execution for com-
pleating the great Objcet of the War in America will require
the further Aid and Assistance of his Majesty's good and
faithful American Subjects, wherefore I must desire you to
be prepared for the immediate Compliance with the King's
Requisition for such a Number of Men from your Province
as shall be thought requisite by his Majesty to answer the
proposed End of procuring a good and lasting Peace, which
Requisition I doubt not you will receive soon.

I am with great Regard, Sir, your most obedient humble

Servant Jeff: Amherst

To his Excellency Governor Sharpe.

Lib. J. R.
& U. S. Sir

New York 7th of January 1761.

In my Letter of the first Instant I have made a Mistake in saying the late King died on the 24th of October, his Majesty died on the twenty fifth, the present King was proclaimed the next Day, and the Parliament met the 27th I am with great Regard, Sir, your most obedient humble servant

Jeff: Amherst

To his Excellency Governor Sharpe.

The Copies of his Majesty's Declarations and Proclamations being prepared were read, and his Excellency's Proclamations being drawn were read and approved of and ordered to be published in this City to Morrow and Copies of them ordered to be sent to the several Counties with all imaginable Speed, and are as follow.

p. 27 By his Excellency Horatio Sharpe Esq.. Governor and Commander in Chief in and over the Province of Maryland.

Whereas I have received from the Right Honourable the Lord Proprietary his most sacred Majesty's Declaration in Council bearing Date at the Court at Saville-House the 27th day of October 1760; signifying it to be his Royal Will and Pleasure, that in all the Prayers, Liturgies and Collects for the Royal Family instead of the Words (their Royal Highnesses George Prince of Wales, the Princess Dowager of Wales, the Duke, the Princesses, and all the Royal Family) be inserted (her Royal Highness the Princess Dowager of Wales, and all the Royal Family) and I am likewise required to have his said Will and Pleasure forthwith published in the several Parish Churches and other Places of divine Worship within this Province that Obedience be paid thereto accordingly, I do therefore by and with the Advice of his Lordship's honourable Council publish this my Proclamation notifying the same to all his Majesty's good Subjects that in the several Parish Churches and other Places of divine Worship within this Province, in all the Prayers, Liturgies, and Collects for the Royal Family instead of the Words (their Royal Highnesses George Prince of Wales, the Princess Dowager of Wales the Duke, the Princesses, and all the Royal Family) be for the future used and inserted (her Royal Highness the Princess Dowager of Wales, and all the Royal Family) and all Ministers within this Province are (for the preventing of Mistakes) with the Pen to correct and amend all such Prayers in their Church Books according to the foregoing Direction, and I do strictly charge and command the several

Sheriffs of this Province to make this my Proclamation publick in the several Parishes within their said Counties in the usual Manner that the most publick Notice may be had thereof as they will answer the Contrary at their Peril Given at Annapolis this 26th Day of January in the tenth Year of his Lordship's the Lord Proprietary's Dominion &c.. Annoq Domini 1761.

Lib. J. R.
& U. S.

By his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Maryland.

A Proclamation

Whereas it hath pleased Almighty God to call to his Mercy our late Sovereign Lord King George the Second of Blessed Memory by whose Decease the Imperial Crowns of Great Britain France and Ireland as also the supreme Dominion and sovereign Right of the Province of Maryland, and all other his late Majesty's Dominions and Territories in America are solely and rightfully come to the high and mighty Prince George Prince of Wales we therefore the Governor and Council being here assisted with divers other Magistrates Gentlemen and principal Inhabitants of the said Province with the Mayor Recorder Aldermen and Common Council of the City of Annapolis do now hereby with one full Voice and Consent of Tongue and Heart publish and proclaim that the high and mighty Prince George Prince of Wales, is now by the Death of our late Sovereign of happy and glorious Memory become our lawful, and rightful Liege Lord George the third by the Grace of God King of Great Britain France and Ireland Defender of the Faith and so forth supreme Lord of the said province of Maryland, and all other his late Majesty's Territories and Dominions in America To whom we do acknowledge all Faith and constant Obedience with all hearty and humble Affection beseeching God by whom Kings and Queens do reign to bless the Royal King George the third with long and happy Years to reign over us. p. 271

Given at the City of Annapolis the twenty sixth Day of January in the first Year of his Majesty's Reign and in the tenth Year of his Lordship the Lord Proprietary his Dominion over this Province, Annoq Domini 1761:

God save King George the third.

By his Excellency Horatio Sharpe Esq^r Governor and Commander in Chief in and over the Province of Marland.

A Proclamation

Whereas it hath pleased Almighty God to call to his Mercy our late Sovereign Lord King George the second of blessed

Lib. J. R. and glorious Memory by whose Decease the Imperial Crowns
& U. S. of Great Britain France and Ireland as also the supreme
Dominion and sovereign Right of the Province of Maryland
and all other his late Majesty's Dominions in America are
solely and rightfully come to the high and mighty Prince
George Prince of Wales I do therefore by and with the
Advice of his Lordship's Council of State publish this my
Proclamation notifying the same to all his Majesty's good
Subjects, and strictly charging and requiring the several
Sheriffs of the respective Counties of this Province at the
most publick Place in their respective Counties as soon as
conveniently may be with all the Solemnity possible to pro-
claim and publish that the said high and mighty Prince
George Prince of Wales is now by the Death of our late
Sovereign of happy and glorious Memory become our only
lawful and rightful Liege Lord George the third by the
Grace of God King of Great Britain France and Ireland
Defender of the Faith Supreme Lord of the said Province
of Maryland, and all other his late Majesty's Territories and
Dominions in America, to whom we do acknowledge all
Faith and constant Obedience with all hearty and humble
Affection with full Voice and Consent of Tongue heartily
declaring the same, and beseeching God by whom Kings and
Queens do reign to bless the Royal King George the third
with long and happy Years to reign over Us, and I do hereby
further will and require the several Sheriffs of this Province
to give Notice to the Magistrates of their respective Counties
as soon as possible to meet and appoint a Day for publishing
this my Proclamation and I do hereby command the several
Sheriffs and all others his Lordship's Officers both Civil and
Military as also the Militia in the respective Counties to
attend in the most handsome Manner at the Time so ap-
pointed for performing the same. Given at the City of An-
napolis this 26th Day of January in the first Year of his
Majesty's Reign, in the tenth Year of his Lordship's the
Lord Proprietarys Dominion Annoq Domini 1761.

God save King George the third.

p. 272 The several Oaths to the Governor were administered to
his Excellency by the Members of this Board now present
who takes the same and subscribes the Abjuration and Test,
and his Excellency is pleased to administer the Oaths to the
Members present who take the same, and severally subscribe
the Abjuration and Test, and the Clerk takes the several
Oaths to the Government, and subscribes also the Abjuration
and Test.

Ordered that Dedimus Potestatem issue to the several

Counties directed to the second, third, and fourth in Commission (not being of the Council) in the respective Counties, empowering them, or any two or one of them to administer the Oaths to be taken to his present Majesty King George the third, to the Chief Justice of the respective Courts, likewise empowering the said Chief Justice to swear the abovementioned three Persons (viz^t) the second, third, and fourth Persons in the Commission of the Peace for his County (not being of the Council) and also empowering the Chief Justice, and the other Justices that shall have been sworn by him or any of them to administer the Oaths to be taken to his present Majesty King George the third to all other Officers both Civil and Military that shall apply to take the Oaths in the several Counties.

Lib. J. R.
& U. S.

Signed p.. Order J Ross Cl Conc.

To the Clerk of the Secretary's Office.

At a Council held at the City of Annapolis on Friday the 20th Day of February in the tenth Year of his Lordship's Dominion Annoq Domini 1761..

Present

His Excellency Horatio Sharpe Esq^r Governor

The { Benjamin Tasker Esq^r } Stephen Bordley Esq^r
honourable { Daniel Dulany Esq^r } John Ridout Esq^r

Ordered by his Excellency the Governor with the Advice of his Lordship's Council of State that the present General Assembly of this Province which stands prorogued to Monday the ninth Day of March next be further prorogued to Monday the twenty third Day of the same Month, and Proclamations issued accordingly.

At a Council held at the City of Annapolis on Tuesday the tenth Day of March in the tenth Year of his Lordship's Dominion Annoque Domini 1761.

Present

His Excellency Horatio Sharpe Esq^r Governor.

The honourable, Benjamin Tasker Esq^r Stephen Bordley Esq^r and John Ridout Esq^r

Ordered that the present general Assembly of this Province which stands prorogued to Monday the twenty third Instant be further prorogued to Monday the sixth Day of April and Proclamations issued accordingly. p. 273

Lib. J. R. Read the Conviction of Negro Bett Pone Slave of M^{rs}
 & U. S. Goldsborough of Talbot County for attempting to poyson a
 certain David Robinson her Overseer; and the Justices Re-
 port thereon recommending her the said Slave as a proper
 Object of his Excellency's Mercy, and ordered Pardon
 which issued accordingly.

At a Council held at the City of Annapolis on Thursday
 the 12th Friday the 13th Saturday 14th and Monday the 16th
 Days of March in the tenth Year of his Lordship's Do-
 minion, Annoq Domini 1761.

Present

His Excellency Horatio Sharpe Esq^r Governor

The honourable	{	Benjamin Tasker Esq ^r	}	Benedict Calvert Esq ^r
		Col ^o Charles Hammond		Stephen Bordley Esq ^r
		Col ^o Edward Lloyd		John Ridout Esq ^r

Valentine Mulkere Mariner Master of the Schooner
 called the Industry, the said Master having a Letter of
 Mark from George Thomas Esq Governor and Vice Admiral
 of the Carribbee Islands being sworn on the holy Evangelists
 of Almighty God, deposeth and saith that he cleared the
 aforesaid Schooner out on a Voyage from the Port of Mary-
 land to Montserrat one of the aforesaid Islands, and in
 proceeding on the said Voyage down Chesapeak Bay he met
 the Brig Marlborough coming up the said Bay off New
 point Comfort and upon haling her and enquiring whence
 she came, was answered from Jamaica, upon which De-
 ponent said he should be glad to hear some News, and that
 he the Deponent would come on Board of him and desired
 him to bring too, which he immediately did, and Deponent
 going on Board the said Brig with four Hands in his own
 Boat and Deponent again asking the Master of the said Brig
 whence he came, he then answered from the Cape, the
 Deponent then asked him, whether from Cape Henry or
 Cape Hinlopen to which he replied he was from Cape Fran-
 cois, whereupon Deponent demanding a Sight of his Papers,
 the said Brig's Master immediately demanded a Sight of this
 Deponents Commission which being by the Deponent ac-
 cordingly shewn to the said Brig's Master he perused the
 same and said that he was a Pirate who granted this De-
 ponent that Commission as well as this Deponent himself and
 then shewed this Deponent some Papers as his Clearance
 Papers, which being wrote in some foreign Language, this
 Deponent did not understand, and Deponent then asking

him if he had no English Papers, the said Brig's Master shewed this Deponent an old Register in English for a then present Brig and described the said Brig to have been formerly a Schooner built at Boston, and named the said Brig therein mentioned the Marlborough, and the said Brig's Master, shewed this Deponent a Clearance in English from Patuxent for two Chests, and two Trunks of English dry Goods for some Port in the West-Indies as the Out-Set of the Voyage upon which the said Brig Marlborough was now on her Return, but does not remember the particular Port in the West-Indies for which such Clearance was, Upon this Deponent returned on Board his own Vessel the Schooner Industry aforesaid and sent his Boat and four Hands for the said Brig's Master to come on Board this Deponents Vessel the Schooner Industry aforesaid with his the said Brig's Master's Papers which he accordingly did and there delivered to Deponent all the several Papers which he had before shewn this Deponent on Board the said Brig and Deponent then sent his Boat with two Hands on Board the Brig for two Outlandish Men he had when on Board her observed there in Order to have the foreign Papers before mentioned explained to him, and upon this Deponents Boats Arrival on Board the said Brig, the said Brigs Crew put the said Brig's Sails a back with Design as Deponent believes to put the said Brig on Shore and then immediately the said Brig's Mate and all her Crew (to Ten in Number as near as he can recollect) jumped into Deponents Boat along side of her, and came on Board this Deponents Schooner, and Deponent then requesting said Brig's Captain to send his Mate and two or three of his Hands along with some of this Deponent's Hands on Board the Brig to take Care of her, but upon this Proposal the Brig's Mate swore he would not go on Board her and the Brig's Captain said he should not for that the Brig was now in Deponents Custody whereupon Deponent ordered his own Mate and four of his Hands to jump into his Boat and go on Board the said Brig and Deponent delivered his this Deponent's Commission to his said Mate together with the said Brig's Papers to carry on Board with him in taking Possession of the said Brig and the said Mate accordingly took Charge of the said Papers and Brig, after which the Brig's Captain, Mate and some others of the said Crew walked forward and held a Consultation on the said Schooners' Fore-castle, the Result of which was that the Brigs' Captain ordered his Mate to tie this Deponent, and turned this Deponents' Man from the Helm and took the same himself and this Deponent was accordingly tied to one of the Pumps, and afterwards the

Lib. J. R.
& U. S.

Lib. J. R. said Brig's Master ordered his Mate to tye the rest of the
 & U. S. said Schooner's Hands then on Board her, which was accordingly done All the said Brigs Crew being then on Board this Deponent's Schooner and assisting in this Transaction The Deponent and his Crew (except what as before mentioned were on Board the said Brig) being thus secured) the said Brig's Master took by Violence this Deponent's Keys which he then had in his Hand from him, and then the said Brig's Mate gagged this Deponent with an Handkerchief, and then by cutting away the Halliards, and letting go the said Schooners' Anchor brought her too, the said
 p. 275 Brig's Master then said to his Mate, here Belt take these Keys and go down and bring up the Papers upon which the said Brigs' Mate damned him, and asked him what Business he had to call any Body there by their Names (and thus it was that Deponent found the Mates' Name, and in the same Manner the Name of another Man one M^cLachlan) However the said Belt the Brig's Mate received the said Keys of his Captain and went down into the Cabbin and opened this Deponents Chest and after searching there called out to his Captain that he could not find the Papers upon which the Brig's Captain ordered his said Mate to open the little Trunk (into which the said Brig's Captain had seen this Deponent put them) and he would find the Papers there, and the said Brig's Mate accordingly opening the little Trunk, he found this Deponent's Papers belonging to the said Schooner (except this Deponents Commission) at the Top of the said Trunk, which he took out and likewise took thereout Gold and Silver Money consisting of Half Johannes's Spanish Pistoles, and Dollars to the Amount of one hundred and eighty one Pounds Maryland Current Money out of a much larger Quantity which Loss this Deponent discovered by afterwards counting over his Money, and after having pocketted this Sum of Mony he jumped up upon Deck with the Papers in his Hands and asked if these were they and the said Brig's Captain replied yes come along All this Transaction relating to the Chest and Trunk in the Cabbin, and the Money, this Deponent is apprehensive was unseen by any other Person of his Crew, besides himself, the rest of his Crew being tied in such Parts of the said Schooner as he thinks must prevent their having any View into the Cabbin, but that he this Deponent was tyed to the Pump next to the Cabbin Door, and facing it which Door being left open during this Transaction this Deponent had a full View of what the said Brig's Mate was doing there, and this Deponent further saith that some time after his Mate, and Hands had pursuant to a

former Order gotten on Board the said Brig, this Deponents' Boat broke loose from the said Brig and being floating about was picked up by the said Brig's Hands on Board this Deponent's Schooner about ten or twelve Minutes before the said Brig's Mate had done the aforesaid Business in the said Schooners' Cabbin and that upon his presenting this Deponent's Papers to the Brig's Captain as aforesaid, the said Brig's Captain, Mate, and all the Brig's Crew jumped into the said Boat having before hauled down the Schooner's Pendant and hoisted a Whiff at the Mast-Head, and the Brig then bringing too, they set off in the said Boat from the Schooner leaving this Deponent and his Crew tyed and gagged as aforesaid and arrived on Board the said Brig carrying with them five Cutlasses belonging to the said Schooner besides this Deponent's Papers and Money as aforesaid jumped immediately upon their Arrival on Board the said Brig, they stood away in her up the said Bay bound for Patuxent River, and this Deponent further saith that it was some considerable Time after the said Brig's Master Mate and Crew had arrived on Board, the said Brig before any of this Deponent's Crew on Board the said Schooner could get disengaged from the Condition in which they were left by the said Brig's Master, Mate, and Crew, but immediately on gaining Liberty this Deponent and his Crew made Sail after the said Brig up the said Bay, but between six and seven o' the Clock in the Evening lost Sight of the Brig by Reason of the Night, and in the Night following this Deponent in the said Schooner took up his Mate and other Hands in this Deponent's Boat which the said Brig's Master, Mate, and Crew had as aforesaid taken away with them from on Board the said Schooner, and this Deponent further saith that the said Brig's Captain having when this Deponent was on Board the said Brig told this Deponent that there were on Board the said Brig seventy eight Hogsheads of Sugar mentioned in the said Brig's Clearance, and two more belonging to himself and one to his Mate, this Deponent did design pursuant to his aforementioned Commission, and his Instructions so received from the same Authority which granted his aforesaid Commission to have carried the said Brig into Hampton in Virginia and there to have proceeded against her for Condemnation as legal Prize but by the aforegoing Conduct of the said Brig's Master, Mate, and Crew has been prevented from execution such Design, And this Deponent saith that since the aforegoing Transaction he hath seen the same Brig Marlborough in Patuxent

Lib. J. R.
& U. S.

p. 276

Lib. J. R. River, and hath heard and believes that she is now in West
& U. S. River in Maryland.

12.. March 1761.

Vallentine Mulkere

Sworn before the Governor and Council

J Ross Cl Conc.

Thomas Dale Mariner Mate of the Schooner Industry of which Vallentine Mulkere is Master having been sworn on the holy Evangels of Almighty God deposeth and saith that in the Morning of the 18th Day of February 1761: as the aforesaid Schooner was sailing down the Bay of Chesapeak in Company with the Brig-Sally Captain Smith who was bound to New York he the Deponent being on Board the said Schooner discovered and met the Brig Marlbro' a little to the Northward of New-point-Comfort that when the said Schooner, and Brig Marlbro' were within about a hundred Yards of each other the said Valentine Mulkere hailed the Brig asking the Master of the Brig whence he came, and was answered from Jamaica, that then Captain Mulkere ordered the other to bring too, in Order that he Mulkere might overhawl his the Marlbro's Masters Papers, that the said Marlbro's Master having accordingly brought to Valentine Mulkere went on Board the Marlbro' and after about half an Hour returned to his own Schooner, and then sent his Boat to bring the Master of the Marlbro together with his Papers on Board the said Schooner, that the said Master accordingly was brought and when he came on Board delivered up his Papers to Captain Mulkere, that Captain Mulkere having perused the Papers put them into the Hands of the Deponent and he the Deponent examined them but found no English Papers among them (except a Register for a Schooner which was dated at Boston, the rest of the Papers which as he thinks were six or seven in Number being in some foreign Language, but in what Language he the Deponent doth not know that as soon as he the Deponent had examined the Papers Captain Mulkere sent two of his own Crew on Board the Brig with Orders to bring to him two Foreigners which he Mulkere had observed on Board the said Brig, that as soon as the Boat got alongside the Brig, the Mate of said Brig and the rest of her Crew jumped into the Boat and came on Board the Schooner whereupon Captain Mulkere desired the Mate of the Marlbro' to return with a few of his Men and assist him the Deponent in taking Care of the Brig, but that the Marlbro's Mate refused to do so, declaring that he would not touch a Rope on Board her, that then Captain Mulkere ordered the Deponent to go with four of his Mulkere's Men and his Commission or Letter of Mart in

Order to take Care of the Brig and prevent her being driven on Shore, that some short Time after he the Deponent and the other four Men had got on Board the Brig the Painter with which they had fastened the Schooners Boat to the Brig gave Way and the Boat went adrift, but the Schooner bore down and took the Boat up, that then he the Deponent shortned Sail in Order that the Schooner might come up with the Brig Marlbro' of which he had then Charge, and soon after perceiving that a Whiff was hoisted to the Schooners' Mast-Head as a Signal to speak with him the Deponent he hove to, and the Schooner then being to the Windward of the Brig came to an Anchor that immediately afterwards the Deponent saw the Schooners' Sails lowered, and all the Brig's-People being nine in Number jump into the Schooner's-Yawl, and row towards the Brig which they boarded three of them having in their Hands naked Cutlasses which they had brought from the Schooner, that after the said Brig's Crew had come on Board the Brig he the Deponent applied to them for the Boat in Order that he and his four Men might return on Board the Schooner but they refused to let him have the Boat one of them named M^cLachlan at the same Time holding a drawn Cutlass over the Deponents' Head, and swearing he would cut him down if he the Deponent offered to say a Word: That then the Marlbro's Crew made all the Sail they could and stood up the Bay having taken all the Oars out of the Boat, and veered her a stern, that about one or two o'Clock in the Morning the Mate of the Marlborough whose Name he thinks was Belt, came to him the Deponent and ordered him and his four People to go into the Boat, saying he would keep them no longer on Board and that if they did not go readily he would put them in Head-foremost, and that when the four People were descending into the Boat the said Mate of the Marlborough demanded the Brig's Papers of the Deponent in whose Custody they had been, since they had been first delivered to him by Captain Mulkere, that at first the Deponent hesitated to deliver them, saying that he had no Papers belonging to him the said Marlbro's Mate, but the Mate saying peremptorily that the Brig's Papers were in his the Deponents Pocket together with Captain Mulkere's Commission, and again ordering the Deponent to deliver them he the Deponent apprehending that his Life would be in Danger was he to refuse, took them out of his Pocket, and laid the said Papers down together with Captain Mulkere's Commission on the Locker in the Cabbin whence the Marlbro's Mate took up the Brig's Papers but did not touch the Commission, and the Deponent says that at the Time he received

Lib. J. R.
& U. S.

Lib. J. R. the said Commission from Captain Mulkere the Seal was
 & U. S. whole, but that when he returned it afterwards to the said
 Captain the Seal was crack'd, tho' how that Accident had
 happened he does not know, but is sure it was not broken
 or injured by the Marlbro's Captain or any of his Crew
 that immediately afterwards the Deponent went into his
 Boat to his four Men, and the Boats Painter was then cast
 off the Brig and Boat being as he apprehends at that Time
 a little to the Northward of the Mouth of Potowmack, that
 having rowed and steered the Boat Southward all the next
 Day being the 19th of February he and the four People who
 were with him, discovered and came up with the Schooner
 which was then at Anchor in Fleads'-Bay a few Miles to
 the Northward of Rappahannock River. The Deponent also
 saith that when he and the four Men went on Board the Brig
 to take Charge of her, they carried with them on Board two
 Cutlasses which when they were ordered on the Morning of
 the 19th to descend into the Boat he desired might be de-
 livered or returned to him, but was refused them, tho' the
 Brig's Crew did hand into the Boat at that Time the three
 Cutlasses which the said Crew themselves had brought from
 the Schooner.

Thomas Dale.

12th of March 1761.. Sworn before the Governor and Council.

J Ross Cl.. Conc..

William Every Mariner belonging to the Schooner In-
 dustry of which Valentine Mulkere is Master having been
 sworn on the holy Evangels of Almighty God deposeeth and
 saith that on Wednesday the 18th of February about 10..
 o'Clock in the Morning as the abovementioned Schooner,
 was going down the Bay of Chesapeak in Company with a
 Brig commanded by one Captain Smith, Captain Mulkere
 hailed a Brig that was turning to clear New point Comfort
 asking the Master of her whence he came, to which the said
 Master answered, "from Jamaica," and that then Captain
 Mulkere ordered him to bring to, and then hoisted out his
 Boat and went on Board the said Brig soon after which
 one of Captain Mulkere's Men returned in the Boat to the
 Schooner for the said Captain's Commission or Letter of
 Marque, and after that had been carried to the Captain he
 the said Captain Mulkere returned on Board his Schooner,
 and then sent four Men in his Boat to bring the Brig's-
 Master with his Papers on Board the Schooner, which was
 accordingly done, and soon afterwards Captain Mulkere
 sent his Boat again for two Outlandish Men whom he had
 seen on Board the Brig, that soon afterwards all the Brig's

Crew being nine in Number came on Board the Schooner, and the Deponent heard the Master of the Brig ask his, the Deponents' Captain whether he intended to carry the Brig out of the Capes, to which Captain Mulkere answered that he did not know that then the Mate of the Brig and several of her Crew declared that they would not be carried out of the Capes that then Captain Mulkere perceiving that the Brig was driving towards the Shore, ordered his Mate and four others of his Crew to go and take Charge of her which they immediately did, it being then about Noon, that about an Hour and Half afterwards there having been during that Time much wrangling between Captain Mulkere, and the Master, Mate, and Crew of the Brig, whom the said Captain had threatned to put in Irons the said Master, Mate and Crew of the Brig, rose on the Schooners Crew and took Command of her, then the Mate of the Brig, and four of five others being ordered to do so by their Captain, tyed Captain Mulkere standing to the Pump his Hands behind him, and then tyed the rest of the Schooners' Crew who were at that Time on Board her, that this being done, and the Mate of the Brig about to strike the Pendant, Captain Mulkere forbad him to do so, and when the Brig's Mate proceeded to hoist a Whiff as a Signal for the Brig to come to Captain Mulkere hallowed to his Mate forbidding him to obey the Signal whereupon the Brigs-Mate shook a Cutlass over him threatning, that if he offered to hallow again he would cut him down, and that then the said Mate gagged Captain Mulkere with a silk Handkerchief and the Brig bringing to, the Schooner run up very her and then came to an Anchor, that after this the Brig's Mate and Crew cut and unreeved the Schooner's Halliards, that then the Brig's Master having taken from Captain Mulkere (before he was bound) a Bunch of Keys delivered them to his Mate desiring him to go and took for his Papers, whereupon the Mate went into the Cabbin and returned soon afterwards with some Papers, and holding them up, asked the Master of the Brig if these were his Papers, to which, the Master answering in the Affirmative the Mate said, "then come along," whereupon the Master, Mate, and Brig's Crew went into the Schooner's Boat which had been driven from the Brig and been taken up by the Brig's People on Board the Schooner, carrying with them three Cutlasses, and a Musquet which belonged to the Schooner and then rowed to the Brig, and having got on Board her made Sail carrying with them the Mate and the four Hands which Captain Mulkere had before sent to take Charge of the said Brig. The Deponent further saith that being himself tyed to the Spring Stay

Lib. J. R.
& U. S.

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Lib. J. R. which comes down by the main Mast, he could not see what
 & U. S. the Mate of the Brig took out of Captain Mulkere's Chest,
 but that after the Brig's People had left the Schooner and
 Captain Mulkere and his Crew had got loose (which they
 did before the Brig's People had reached the Brig) Captain
 p. 280 Mulkere ordered the Deponent to go into the Cabbin and
 see what was amiss, in Obedience to which Order he the
 Deponent went in and discovered that the Trunk which was
 in the Chest, wherein he kept his Mony and Papers was open
 and that the Papers were in Disorder some of them being
 out of the Trunk in the Chest upon Captain Mulkere's
 Cloaths of which when he came out of the Cabbin again he
 informed his Captain who thereupon asked him the Deponent
 whether he thought there was any Mony missing out of the
 Trunk to which the Deponent answered that he could not
 tell, but Captain Mulkere said that he had seen the Brig's
 Mate put some of the Mony in his Pockett; the Deponent
 also saith that while the Brig's People were on Board the
 Schooner, he heard the Mate of the Brig call one of the
 Crew by the Name of M^cLachlan and also one of the Crew
 address the said Mate by the Name of Belt, whereupon he
 the said Mate cursed the Person who spoke to him, and
 forbad him to mention any Names, and the Deponent further
 saith that the Cabbin of the said Schooner has a Bulk-Head
 on the Deck in the Centre of which Bulk-Head is a Folding
 Door which opens outwards, that the Captain's Chest which
 is about five Feet long and two Foot and a Half high, and
 about three Feet and half wide was in the Cabbin with its
 Back close against the said Bulk-head, and stood so much
 on the Larboard Side of the Vessel as that the Starboard
 End of the said Chest reached two third Parts across the
 Door Way and that the Captain was bound to the Larboard
 Pump which is at the Distance of about four Feet from the
 Bulk-Head.

W^m Every.

12 March 1761: Sworn before the Governor and Council.

J Ross Cl.. Conc.

Arthur Pierson Mariner belonging to the Schooner Industry commanded by Valentine Mulkere aged twenty three or thereabouts being sworn on the holy Evangels of Almighty God deposeth and saith that on Wednesday the 18th of February about ten o'Clock in the Morning as the said Schooner was proceeding down the Bay of Chesopeak Captain Mulkere hailed a Brig which was off of New Point Comfort standing up the Bay, asking the Master of said Brig, "whence he came" to which the Master said "from

Jamaica" that then Captain Mulkere ordered the Master of the Brig to bring to saying that he wanted to see his Papers, that the said Brig's Master not immediately obeying such Order Captain Mulkere gave Chace and in about half an Hour came up with her when upon his repeating the same Order or Demand the Brig's main Top Sail was thrown aback and Captain Mulkere had his Boat hoisted out and went on Board her together with the Deponent and three others of his Crew, that Captain Mulkere immediately went down into the Cabbin with the Brig's Master in Order to examine his Papers, that while the Masters were together in the Cabbin, he the Deponent asked one of the Brig's Crew whence the said Brig came and received for Answer that she came from the Mount that Captain Mulkere coming up out of the Cabbin a few Minutes afterwards gave Keys to the Deponent and ordered him and the other three to carry them to any one of his People who were on Board the Schooner and bid such Person take out of the little Trunk which was in the Chest and send him the said Captain his Commission, that the Deponent returning accordingly to the Schooner handed up the Keys to one of the People that were on the Deck but to which of them he does not remember, communicating to said Person at the same Time Captain Mulkere's Orders relative to the Commission that about a Quarter of an Hour afterwards the Person to whom he had delivered the Keys, returned to him with the Commission rolled up in a Silk Handkerchief but whether the Keys were also returned to him he does not remember, that as soon as the Commission had been handed down to him he and his three Comrades put off their Boat and rowed back to the Brig which he imagines was at that Time about two hundred yards from the Schooner, that Captain Mulkere as soon as the Deponent had delivered him the Commission went down again with the Master of the Brig into her Cabbin where they two remained about half an Hour, that then Captain Mulkere coming up out of the Cabbin went into the Boat and returned to his own Vessel, that immediately afterwards sent his Boat back for the Master of the Brig ordering the Boat's Crew to tell him that he must bring his Papers with him, that the said Master came accordingly on Board the Schooner and went into her Cabbin with Captain Mulkere and his Mate Thomas Dale, that about Half an Hour afterwards Captain Mulkere ordered two of his People to go on Board the Brig and "fetch the three outlandish Men" that as soon as the Boat got alongside of the Brig the Deponent saw all the Brig's People jump into the Boat many of them, if not all, taking their spare Cloaths with them and that they

Lib. J. R.
& U. S.

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Lib. J. R. the Brig's People then came on Board the Schooner, and
 & U. S. that soon afterwards Captain Mulkere ordered his Mate
 and four Hands of which the Deponent was one to go on
 Board the Brig to take Care of her which they accordingly
 did and having got on Board fastened the Schooners-Boat
 by a painter to the Brig's main Chains, that about half an
 Hour afterwards the Boat broke loose whereupon the
 Schooner bore away in Order to take it up, and soon after
 the Brig's People had secured the Boat to the Schooner the
 Deponent saw the Schooner's Pendant hawled down and a
 Whiff hoisted at which Signal Captain Mulkere's Mate who
 had Charge of the Vessel shortened Sail and then the
 Schooner running up to the windward of the Brig came to
 an Anchor, and the Brig's People jumping immediately into
 the Boat returned on Board the Brig and took Possession
 of her forbidding Captain Mulkere's Mate and four Men
 to stir, threatning that if they did or attempted to get into
 the Boat they would cut them down three of them having
 p. 282 drawn Cutlasses in their Hands which they had brought
 from the Schooner, but the Deponent did not see any other
 Arms or Weapons among them, and the Deponent says
 that neither he the Mate or any other of his Comrades who
 had been sent by Captain Mulkere to take Charge of the
 Brig nor either of the People who had been sent for the
 three Outlandish Men carried any Cutlass or other Weapon
 with them from the Schooner on Board the Brig the De-
 ponent moreover saith that after the Brig's People had again
 taken Possession of her one of the Brig's Crew called M^c-
 Lachlan came into the Steerage to him the Deponent and
 two of his Comrades and said that his Captain had ordered
 him to speak to him the Deponent and his Comrades and to
 tell them that if they would keep their own Council the
 Captain would make each of them a Present of a Piece of
 Money that about two o'Clock the next Morning some one
 of the Brig's Crew called on the Deponent and his Com-
 rades who were then asleep in the Steerage and said they
 must turn out and get into their Boat, and upon their saying
 that, that was not a Time of Night to be turned adrift in
 an open Boat, the Mate of the Brig and M^cLachlan declared
 that if they the Deponent and his Comrades did not imme-
 diately get down into the Boat which was then along side
 the Brig they would heave them into it Head over Heels
 that thereupon the Schooners Mate and they thought proper
 to descend into the Boat and put off, some of the Brig's
 Crew having first handed down to them the three Cutlasses
 abovementioned with some Bread Beef Pork and Water the
 Deponent saith that he did not while he was standing on the

Brig's Deck before he and his Comrades went down into the Boat hear any Person demand from Captain Mulkere's Mate any Papers or any thing else, but that he heard the Mate say that the Captain and Mate of the Brig had while he was in the Cabbin compelled him to shake the Brig's Papers out of the Commission which Captain Mulkere had delivered to him.

The Mark + of
Arthur Pierson

13th March 1761: Sworn before the Governor and Council
J Ross Cl: Conc.

William Jones Mariner belonging to the Schooner Industry commanded by Captain Valentine Mulkere aged about 46: being sworn on the holy Evangel of Almighty God deposeth and saith that as the said Schooner was proceeding down the Bay of Chesopeak the 18th of February last she met with a Brig that was standing up the Bay and was then off of New Point Comfort which Brig Captain Mulkere hailed asking whence she came, and receiving for Answer that she came from Jamaica he ordered her to bring to that he might see her Papers, the Brig having brought to soon afterwards the Schooner's Boat was hoisted out and Captain Mulkere went on Board the Brig where he staid about an Hour and then returning on Board his own Schooner told his People on the Deck that the Master of the Brig had no English Papers (except a Register for a Boston Schooner) that very soon afterwards Captain Mulkere sent his Boat for the Brig's Master calling as he thinks at the same Time to the Mate of her who was walking the Deck, and saying the Master must bring his Papers with him that after the Master of the Brig was come on Board the Schooner Captain Mulkere sent two Men in his own Boat for the three outlandish Men but he believes that the two Men carried no Cutlasses or other Weapons with them, that as soon as the Boat got along-side the Brig he the Deponent saw all the Brig's People jump into the Boat and immediately come on Board the Schooner, and he saith that two or three Minutes afterwards Captain Mulkere ordered his Mate and four Hands to go on Board the Brig and take Care of her, which they accordingly did; that after this the Deponent heard some of the Brigs People ask Captain Mulkere whether he intended to carry her out of the Capes and also heard the Captain answer, that he did not know whether he should or not; that then the Mate of the Brig damned him that had given a Commission for such a Dung Boat and that about half an Hour afterwards there having been during

Lib. J. R.
& U. S.

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Lib. J. R. that Time some wrangling the Mate of the Brig took up of
 & U. S. five or six Cutlasses which lay on the Quarter Deck, and
 swearing said I am now Commander of this Vessel or
 Words to that Purport upon which some of the others took
 up Cutlasses and the Captain of the Brig went and took the
 Helm thrusting away the Man that was there, that imme-
 diately after this the Brig's Mate, a Sailor called M^cLachlan
 and one or two more of the Brig's Crew laid hold of Captain
 Mulkere, and tyed him to a Pump that was on the Larboard
 Side of the Vessel about five Feet from the Cabbin Door,
 and that the rest of the Brig's Crew soon afterwards tyed
 all the rest of Captain Mulkere's People being only four in
 Number, that the Schooner's Boat breaking loose from the
 Brig about the Time that the Brig's People were tying those
 that belonged to the Schooner, the Brigs Crew bore down
 with the Schooner took the Boat and secured it alongside,
 that a few Minutes afterwards, the Deponent (being tyed
 to the Starboard Fore Shrouds) heard the Captain of the
 Brig say to his Mate go down into the Cabbin and fetch me
 my Papers, whereupon the Mate went into the Cabbin and
 after five or six Minutes as the Deponent imagines returned
 with some Papers in his Hand, and then said, come Captain,
 let us go, on Board of our Vessel, which they all did imme-
 diately, some of them taking away some Cutlasses, and a
 Muskett, that about half an Hour after the Brig's Crew had
 left the Schooner Captain Mulkere having got loose, released
 his People, and then having repaired the Schooner's Hal-
 liards which had been cut by the Brig's People he weighed
 Anchor and stood after the Brig, with which however he
 could not come up that Evening The Deponent further saith,
 that he was tyed at such a Distance and in such a Situation,
 p. 284 as that it was not possible for him to see what the Brig's
 Mate did during the Time that he was in the Schooner's
 Cabbin, nor did he hear of Captain Mulkere's having lost
 any Money out of his Trunk 'till the next Day when he
 heard the Captain say that the Brig's Mate had robbed him
 and carried off as this Deponent thinks one hundred and
 eighty odd Pounds, this Deponent also saith that he did a
 few Days before this Affair happened, see the Captains'
 small Trunk opened by one of Captain Mulkere's young
 Men whom he frequently ordered to go and bring him Money
 when he wanted any, and that he the Deponent saw a great
 Number of Dollars, and some Gold loose in the said Trunk,
 which Trunk was always kept in the Captain's Chest.

William Jones.

13.. March 1761.. Sworn before the Governor and Council
 J Ross Cl.. Conc..

John Reynolds Mariner belonging to the Schooner Industry of which Valentine Mulkere is Master being sworn on the holy Evangels of Almighty God, deposeth and saith that on the 18th Day of February last as the said Schooner was going down the Bay of Chesopeak in Company with a Brig belonging to New York Captain Mulkere ordered a Brig near New point Comfort coming up the said Bay, asking the Captain whence he came, who answered from Jamaica, then Captain Mulkere ordered him to bring to, which he did, but not immediately, and Captain Mulkere took his Boat with four Hands and went on Board the said Brig, Captain Mulkere then sent his Boat and Hands to the Schooner to fetch his the said Captain's Commission, which this Deponent says the Captain always kept in a little Trunk in the Chest, which they accordingly did and delivered him. Captain Mulkere in a little Time after, left the said Brig and returned with his own Boat and Hands on Board his own Schooner, Captain Mulkere then sent his Boat and Hands on Board the said Brig for the said Captain to come on Board the Schooner and bring his Papers with him, which the Captain as this Deponent believes, accordingly did, soon afterwards Captain Mulkere ordered his Boat and two Hands to go on Board the Brig to bring three outlandish Men to him on Board the Schooner, this Deponent further saith that he being one of the Men sent by Captain Mulkere for the Outlandish Men, the whole Crew of the said Brig jumped into the Boat as soon as they came along side of her, and went on Board the Schooner Then Captain Mulkere sent this Deponent with the Mate and three other of his Hands to take Possession of the said Brig, which they accordingly did, and set Sail accordingly the Schooner's Boat being at the same Time fastened to the Brig, the Painter of her broke and she got loose, and was picked up by the People on Board the said Schooner: This Deponent further saith that the Brig was obliged to shorten Sail to permit the Schooner to come up with her, the Schooner having been delayed in picking up her Boat, and soon after this Deponent perceiving that a Whiff was hoisted to the Schooners Mast Head as a Signal to speak with the Brig the Brig shortened Sail accordingly till the Schooners' Boat came to the said Brig and brought all her the said Brig's Hands with her, who brought three Cutlasses with them from the said Schooner: This Deponent likewise says that upon the Return of the Schooner's Boat on Board the Brig an Application was made by the Schooners' Crew then on Board the said Brig for their Boat to carry them on Board their said Vessel which was denied them, the Brig making all the

Lib. J. R. Sail she could up the Bay, veering the said Boat astern, and
 & U. S. this Deponent likewise says that one of the Sailors belonging to the said Brig during their Passage up the Bay came to him this Deponent and told him, that if they (meaning the Schooners' People) would keep their Council) the Captain of the said Brig would make each of them a Present of some Money: That about two of the Clock the next Morning their Boat was given to them with a little Water, Bread, and a Piece of Pork in Order to return to their own Vessel, and at the same [time] told, that if they did not make Haste and go, they would toss them into the Boat Head foremost.

The Mark of
 X

John Reynolds

13th of March 1761. Sworn before the
 Governor and Council

J Ross Cl.. Conc..

Thomas Anderson Mariner aged twenty one Years or thereabouts, belonging to the Schooner Industry of which Valentine Mulkere is Master being sworn on the holy Evangelists of Almighty God deposeth and saith that on the 18th of February as the said Schooner was going down the Bay of Chesopeak in Company with a Brig belonging to New York, Captain Mulkere hailed a Brig near New Point Comfort, asking the Master of her whence he came, to which the Master answered from Jamaica or the West Indies, but which of [the] Places this Deponent does not now remember, then Captain Mulkere ordered him to bring to, and telling him he wanted to see his the Master of the Brig's Papers, whereupon Captain Mulkere hoisted out his Boat and went on Board the said Brig after which the Captain and his four Men who carried the Captain on Board the Brig returned in the Boat to the Schooner for the said Captain's Commission, and after the Commission had been carried to the Captain he the said Captain Mulkere returned on Board the Schooner and sent his Boat on Board the Brig for the Captain and his Papers, which the Captain of the Brig as this Deponent believes accordingly brought, and
 p. 286 Captain Mulkere immediately went into the Cabin and overlooked them and soon afterwards Captain Mulkere sent his own Boat with two Hands in her on Board the Brig to bring two Outlandish Men on Board him This Deponent says that being pretty near the Brig he heard the Crew on Board of her say they were all Englishmen and accordingly jumped into the Boat and came on Board the Schooner, Captain Mulkere then ordered his Mate with four of his own Hands

to go on Board the said Brig and take Care of her, this Lib. J. R.
Deponent saith that some Words happening between Captain & U. S.
Mulkere and the Crew of the said Brig he the said Captain
Mulkere threatened to put one of them in Irons whose name
was M^cCloughlin, and who was very sawcy to him, some
of the Crew asked Captain Mulkere what he intended to do
with them or where he would carry them that Captain
Mulkere answered to some English Port to which they re-
plied they would not be carried to Sea out of the Capes nor
would any of them suffer themselves to be put in Irons,
the Master, Mate, and Crew of the said Brig then rose on
the Schooner's Crew and took the Command of her and the
Mate of the said Brig (whose Name this Deponent believes
was Belt) took up one of the Cutlasses in his Hand and
swore he was Master of the said Schooner, this Deponent
likewise saith that the Brig's People who were on Board the
Schooner made Sail after the Brig, the Captain whereof was
at the Helm of said Schooner the Mate and Crew of the
said Brig then threatening to tye Captain Mulkere he resist-
ing them said to them if your Captain gives you Orders to
have it done he would submit, but whether such Orders
were given this Deponent does not know, three or four of
the Crew accordingly threw him the said Captain Mulkere
upon his Belly and tyed his Hands behind his Back and
fastened him standing to one of the Pumps, and this Depo-
nent saith that the Mate and Crew of the said Brig then
came forward and tyed him and the rest of the Schooners'
Crew. Immediately after the Mate of the said Brig hawled
down one of the Schooner's Pendants, and made a Whiff
in one of the Jacks as a Signal for the Brig to come to
which she accordingly did, and Captain Mulkere hallooing
to his Mate then on Board the Brig said to him, Dale, don't
bring to, whereupon immediately the Mate of the said Brig
gagged Captain Mulkere with a Handkerchief, this being
done the Crew of the Brig halled down the Sails of the said
Schooner and let go her Anchor, and unreeved many of her
Ropes, and the Mate cut some of them, and he likewise says
they poured Water into the Guns that were loaded, then the
Mate of the said Brig going down into the Cabin of the
said Schooner, he this Deponent saw him bring Papers from
thence, and the Crew of the said Brig went over the Side of
the Schooner taking some of the Cutlasses belonging to the
said Schooner and went on Board the Brig in the Schooners'-
Boat.

Thomas Anderson

13th March 1761. Sworn before the Governor and Council.
J Ross Cl.. Conc.

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David Carcand Master of the Brigantine called the Duke of Marlborough lately returned from a Voyage beyond Sea being examined saith that on the eleventh Day of last Month (being February) he this Examinant entered the Capes of Virginia with the Brigantine aforesaid, bound for the River Patuxent in Maryland, and met a Schooner standing down Chesapeake Bay off New Point Comfort the Master of which Schooner ordered this Examinant to bring too, which this Examinant accordingly did, he having before demanded whence this Examinant came, who answered, "from Sea," and the Master of the said Schooner came on Board this Examinants Brig, and as Mate of the said Schooner (saying her Master was sick) demanded a Sight of this Examinants Papers which being accordingly shewn by this Examinant to him, he the said Schooners' Master as Mate found Fault only with this Examinants' Register as not being good, because it described the Vessel for which that Register was originally made out to have been a Schooner by the Name of the Duke of Marlborough and to have been converted into a Brigantine of the same Name by Indorsement only on the said Register, and that the said Brig should have had a new Register, but made no Objection at this time to any of the Examinants Papers, being wrote in a Foreign Language, and upon this Examinants asking him if he had a Commission the said pretended Mate shewed this Examinant a large Paper with a large Seal to it Part of which this Examinant read, and then telling this Examinant he would go on Board the said Schooner, and acquaint the Captain immediately took to his Boat and returned on Board the said Schooner, and thence hailed this Examinant and ordered him on Board the said Schooner with his Papers, and accordingly sent his Boat for him, and upon this Examinants' going on Board the said Schooner accordingly with his Papers he was by the Person who was as aforesaid on Board this Examinants' Brig as Mate of the said Schooner introduced into the Cabin of the said Schooner to the real Mate of her as her Captain upon which this Examinant produced and delivered his Papers to the aforesaid supposed Mate of the said Schooner who delivered them to the aforesaid supposed Captain, who upon inspecting this Examinants' Register declared it was not good, and upon examining the other Papers, he said he did not understand them, meaning as this Examinant supposes the Papers this Examinant received as his Clearance from Monti Christo; this Examinant then asked what they intended to do with him, upon which the real Captain but now supposed Mate of the said Schooner, asked the supposed Captain of her, what he would do with the Brig and

immediately added, that were it his Case they would carry her to Providence, and the then supposed Captain immediately answered by all Means; This Examinant then turning out upon Deck, left the Mate and Captain together in the Cabbin, and after being together there some time they also came upon Deck, and ordered the Schooner's People to make Sail after the Brig, and the real Captain but supposed Mate of the said Schooner immediately hailed the said Brig, and ordered her to follow her and stand down the Bay, to which this Examinant's Mate then on Board the said Brig, answered that none of her People would touch a Rope to which the said supposed Schooner's Mate replied, you Rascal, I will let you know that you shall, and accordingly ordered his Hands to run out two Bow Guns and immediately also ordered two of the Schooners Hands to go on Board the said Brig and bring her People on Board the said Schooner two Hands accordingly going on Board the said Brig remained there, and all the said Brig's proper Crew came on Board the said Schooner in the said Schooner's Boat, and the said pretended Mate immediately ordered the Schooner's Crew to put all the said Brig's Crew, except this Examinant and this Examinant's Mate into Irons, and upon this Examinant's saying it was hard to see his People put in Irons on Board an English Vessel the aforesaid pretended Mate of the said Schooner said to this Examinant's People, My Lads, if you will be easy and assist me, I will give you all your Wages and ten Pounds over and above, to which this Examinant heard Answer made from some of his People that they did not want his Money, but would go where this Examinant went, immediately upon this the aforesaid pretended Mate of the said Schooner ordered her aforesaid pretended Captain to take two more of the Schooners' Hands and go on Board the said Brig to take Care of her, and to follow him the said Schooner being then standing down the Bay which Circumstance convincing this Examinant, that hitherto the said Schooner's Master had only personated the Mate and the Mate the Master, this Examinant observed to the said pretended Mate, that this was a strange Order for a Mate to command his Master to leave his own Vessel and go on Board another to take Care of her, for that in his Opinion the Mate should leave the Schooner and the Master remain on Board, upon which the said pretended Mate told this Examinant, that was none of his Business, and upon this Examinant asking the said pretended Mate his Name, he told this Examinant his Name was Mulkere, which he now believes from the foregoing Circumstances was the Name of the real Master of the said Schoon-

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Lib. J. R. er but the Name of the pretended Captain of the said Schooner
 & U. S. er he knows not; The said Schooner's Mate and two Hands
 accordingly went on Board the said Brig, the said mate
 taking with him this Examinant's Papers, and upon the said
 People's Arrival on Board the said Brig they made fast the
 said Schooner's Boat to the Brig which making Sail and
 standing down the Bay as well as the said Schooner the said
 p. 289 Boat broke loose from the said Brig upon observing which
 this Examinant's People then on Board the said Schooner,
 steered the said Schooner towards the said Boat took her up,
 and made her fast along side of the said Schooner, and then
 this Examinants People on Board the said Schooner brought
 her to Anchor and went on Board the said Brig in the
 said Schooner's Boat, having none of the said Schooner's
 People in the Boat with them, but being asked how his
 People came to steer the said Schooner towards the said
 Boat, take her up, fasten her alongside, and bring the said
 Schooner to an Anchor, he the said Examinant answered
 not, And the said Examinant further saith, that upon his,
 and his Crew's Arrival on Board the said Brig they found
 the People there belonging to the said Schooner all merry in
 Liquor, this Examinants own Locker (not left locked or
 otherwise secured) overset, and rummaged, wherein besides
 several small Necessaries belonging to the said Brig, this
 Examinant usually kept (and on leaving the said Brig left
 therein) Liquors for his own Use, but cannot say whether
 any thing had been used or imbezzled by the said Schooner's
 People, or not; And this Examinant and his People imme-
 diately brought the said Brig (which was standing down the
 Bay pursuant to the former Orders given to that Purpose)
 about and stood up the Bay for Patuxent River aforesaid,
 offering the said Schooner's People their Boat, to go on
 Board their own Vessel, but they refused to do so, (nor
 indeed were they then in a Condition to undertake it,) but
 went to sleep 'till they were sober, which being about three
 of the Clock in the Morning, the said People upon this
 Examinant's Order took to their Boat and with some Pro-
 vision given them by this Examinant set off for the said
 Schooner and in about Half an Hour after this Examinant
 brought the said Brig to Anchor for Want of Wind, and
 having an Ebb-Tide; and having thus rode 'till about two of
 the Clock in the Afternoon of the next Day then weighed
 and at about four of the Clock in the following Morning
 arrived in the Mouth of Patuxent where taking in a Pilot
 he run up as high as Lower Marlborough, where coming to
 an Anchor, he run thence down again in his Boat to the
 Office and entered the said Brig and Cargo, which con-

sisted of Eighty one Hogsheads of white Sugar, and being asked where they were shipped or taken on Board the said Brig, the said Examinant saith that he was not on Board when the said Sugars were taken in by the said Brig, that they were cleared for this Province at and from Salem on Delaware Bay, and that his last Clearance before his Arrival at Salem aforesaid, was from Monti-Christo in Hispaniola, which Clearance he has left on Board the said Brig now lying in West-River: And this Examinant further saith, that upon the said Brig's Mate, who is named Middleton Belt's asking this Examinant (a little before his and Crew's leaving the said Schooner in her Boat as aforesaid) if he had his Papers this Examinant said no, that he knew not where they were, that the last Time this Examinant had seen them was in a little Trunk in the Captain's Chest in the Cabbin of the said Schooner, and that upon this the said Schooners' Captain offered this Examinant his Keys, to which Offer this Examinant answered that he had no Business with them and refused to take them, all which was after this Examinant had Possession of the said Schooner, This Examinant saith he believes that the Captain of the Schooner and his Men then on Board her, were confined, but knows not whether they were tyed or no, but saith that before this Examinant and his People arrived on Board the said Brig from the said Schooner, he this Examinant did see the Schooner's People then on Board her walking about on her Deck: This Examinant further saith that he neither knows nor believes any Money was either by himself or by any of his People taken from on Board the said Schooner and as to any Cutlasses or Musketts he saith that he knows nothing of any such being taken from on Board the Schooner by any of this Examinant's People, but saith that the Schooner's Mate and two Men who were by the Schooner's Captain sent on Board the said Brig to take Care of her carried with them some Cutlasses and Muskets but knows not how many of either, and further saith that what Cutlasses and Muskets they carried as aforesaid on Board the said Brig they upon leaving the said Brig to return to the said Schooner carried from off the said Brig with them. And this Examinant further saith that he never did take the said Schooner's Helm into his Hand, but saith that he was standing very near to one of his own People who was steering the said Schooner; And this Examinant further saith that upon the Resolution formed between the Master and Mate of the said Schooner to carry this Examinant and the Brig aforesaid to Providence, this Examinant said he was not willing to be carried out to Sea but was ready and willing to attend the

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Lib. J. R. said Schooner into either of the two Ports of Virginia or
& U. S. Maryland within the said Bay.

14: March 1761:

David Carcaud

Taken before the Governor and Council

J Ross Cl: Conc.

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Lauglin Donnalon Mariner belonging to the Brig Duke of Marlbro' whereof a certain David Carcaud is Master, being examined saith that having ship'd himself in the above-mentioned Brig at Salem in Delaware she being then loaded, he came round in the said Brig into the Bay of Chesopeak, and he saith that when they were come as high up the Bay as New Point Comfort, they one Morning about ten o'Clock (tho' he does not remember the Day of the Month) met a Schooner that was standing down the Bay the Master or one of the Crew whereof hailed the Brig and ordered her to bring to, that very soon afterwards the Mate of the Schooner as this Examinant at that Time was told came on Board the Brig and went into her Cabbin with Captain Carcaud with whom he staid the Examinant apprehends about a Quarter of an Hour and then returned on Board the Schooner, forbidding as he descended into the Boat Captain Carcaud to make Sail; This Examinant further saith that very soon after the supposed Mate of the Schooner had returned on Board that Vessel the Schooner's Boat was sent for Captain Carcaud who accordingly went in her on Board the Schooner, and that not long afterwards he the Examinant heard some Person on Board the Schooner hail the Brig and order her to follow the other Vessel whereupon this Examinant heard some of the Brig's Crew answer that if he pleased (meaning the Person who hailed the Brig) he might send Hands to take of her, but that they for their Parts would not work her that soon afterwards the Schooner's Boat came alongside the Brig with two of the Schooner's Crew in her one of whom came on Board the Brig, but what Message he brought the Examinant doth not know he being at that Time in the Steerage, but that immediately afterwards he went up on the Deck, and his Comrades being then going down the Side of the Brig into the Boat, he also stept into the Boat and together with the rest went on Board the Schooner, that a few Minutes after they had got on Board this Examinant heard the Person who had first gone from the Schooner on Board the Vessel say, addressing himself to the Examinant and his Comrades Don't be afraid, you shall have your Wages and ten Pounds which this Examinant supposes was said to encourage them to assist in working the Vessels, but the Examinant did not hear the abovementioned Person say that

he would pay them their Wages and Pounds on such Condition or as a Reward for their assisting him, that immediately after this the Schooner's Mate (as this Examinant hath been told he is) with some others he thinks four of the Schooner's Crew went on Board the Brig carrying some Cutlasses with them but how many he does not know, that soon afterwards the Examinant hearing the Person who commanded the Schooner (being the same that under the Title of Mate had first visited the Brig) say that he would carry the Vessel (meaning as he supposes the Brig) to Providence, the Examinant and his Comrades said that it was very hard to be carried so far, as there were many Ports or Harbours nigh, to which they were willing and ready to go, that thereupon the said Person declared that he would put the Examinant and his Comrades in Irons, and forthwith sent one of his People into the Cabbin for Irons, and a Pair of Fetters were accordingly brought but that the Examinant's Comrades or some of them saying it would be very hard for English Men to be put in Irons on Board an English Vessel, as they apprehended the Schooner was and begging that he would not treat them in such a Manner, he did not proceed to put any of them in Irons or to confine them the Examinant further saith that soon after this had passed on Board the Schooner which was then standing down the Bay after the Brig the Brig being as he imagines about a Mile a head, it was discovered by the People on the Schooner's Deck that the Boat was broke loose from the Brig, whereupon the Schooner stood towards the Boat and she was taken or picked up—as he thinks, by one of the Brig's Crew, but the Examinant says he does not remember who at that Time had Command of the Schooner nor what Person had hold of her Helm, that the Boat being taken and secured, the Schooner stood after the Brig and this Examinant saith that when the said Schooner came up with her or was very near the Brig some of the Brig's Crew hoisted a Whiff to the Top Mast Head but he does not remember that any Orders were given by any one for making such Signal, nor does he remember that any Person on Board the Schooner hailed the Brig at that Time or forbad the People on Board her to obey or regard the Signal abovementioned: This Examinant further saith that at the Time when the Whiff was hoisted as is abovementioned some of the Schooner's People were tied on the Deck but he doth not know how many of them were tyed, how long they had been tied, or who tyed them, nor does he remember on what Part of the Deck, these were whom he saw tyed: This Examinant saith that the Schooner coming up with the Brig soon after the above-

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Lib. J. R. mentioned Signal had been made, the Schooner's Anchor
& U. S. was let go and all the Brig's Crew went down into the
Schooner's Boat and returned on Board their own Vessel,
but that they carried no Cutlasses, or any other Weapon
with them, nor did he hear either Captain Carcaud or his
Mate M^r Belt say any thing concerning Papers when they
were about to go into the Boat, and the Examinant saith that
during the Time that he continued on Board the Schooner
he was always forward on the Deck and never went into or
near the Cabbin. This Examinant saith that when he and
his Comrades returned on Board the Brig they found the
People who had Charge of her drunk so that two or three of
them could scarcely stand, and that some of them were
just then drinking, and that soon afterwards the Schooner's
Mate and some of his People went to Sleep, and the Brig
was so steered as to stand up the Bay there being a light
Breeze, but by whom or whose Orders she was so steered
or managed the Examinant saith he doth not know; This
Examinant says further that the same Evening a little after
it became dark the Schooner's People on Board the Brig
went into their Boat but the Examinant doth not remember
that any one ordered them to go into the Boat or whether
they took any Thing with them or not, That the next Morn-
ing or the second Morning after (he does not remember
p. 293 which) after Sun Rise, the Brig being then at Anchor a
Pilot came on Board and carried the Vessel up Patuxent
River, where she again came to an Anchor and Captain
Carcaud went on Shore in his Boat.

his
Laughlin X Donnalon
Mark

14th March 1761: Taken before the Governor
and Council J Ross Cl: Conc..

Richard Morgan Mariner aged twenty two Years or there-
abouts being examined saith that about Christmas last being
then at Salem in Delaware he shipped himself on Board the
Brig Duke of Marlbro' of which one David Carcaud is
Master, that coming round from Delaware in said Brig into
Chesopeak-Bay, he one Morning about ten o'Clock (but what
Day he doth not remember) saw a Schooner which hailed
the Brig, asking whence she came, whereupon he thinks
Captain Carcaud answered "from Sea" that then the Per-
son who had hailed the Brig ordered Captain Carcaud to
bring to, which he did immediately, and that then a Person
who called himself Mate of the Schooner came on Board
and went into the Cabbin with Captain Carcaud, that he

does not know what passed between them there, but a little while afterwards the said Person came upon Deck and sent his Boat back to the Schooner but for what Purpose he doth not know, that soon afterwards the Boat returned, and that then the said Person went from the Brig on Board the Schooner, immediately after which, the Boat was again sent back to the Brig and the said Person the then supposed Mate of the Schooner called to Captain Carcaud saying "that his Captain desired that he would come on Board the Schooner," which Captain Carcaud did without Delay, and that very soon afterwards the Person abovementioned hailed the Brig, and gave Orders that she should stand after or follow the Schooner, that thereupon the Examinant and his Comrades answered that if he detained their Captain he might send his own People to work the Brig; that immediately afterwards two of the Schooner's Crew came along side the Brig, and said they were come for the Outlandish-Men, that thereupon the Brig's People saying that if any went they would all go together, went down into the Boat, taking some spare Cloaths with them, and were by the Schooner's two People in the Boat, rowed along Side the Schooner, that then the abovementioned Person (the supposed Mate) bid them step up and that accordingly they all went on Board immediately after which the Examinant heard the said Person say "if you will side with me, or with us, and help to work the Vessels to New-Providence you shall have all your Wages and ten Pounds besides, that the Examinant and his Comrades answered that they were willing and ready to assist in carrying the Vessels into any Port that he pleased in the Bay, but that they would not be carried out to Sea, upon which the said Person gave Order that the Irons should be brought up, saying he would have them put in Irons. that hearing that Declaration they all said it was very hard for Englishmen to be put in Irons on Board an English Vessel, that then the said Person sent some of the Schooner's Hands on Board the Brig, that some time after the said Hands had got on Board the Brig the Examinant saw the Boat loose in which they had gone on Board her, and that then the Brig's People again declared to the Master of the Schooner that if he would go into any Port in the Bay, they were ready to go with him, but he replying that he would carry them to Sea that then they the Brig's Crew confined the Master of the Schooner and his People tying their Hands behind them and tying one to one Place and another to another. That then the Brig's People took up the Boat and let go the Schooners' Anchor at the same time lowering her Sails: that then the Brig's People went into the Boat and rowed on

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Lib. J. R. Board the Brig, but the Examinant saith that he did not
 & U. S. when they were about to leave the said Schooner hear any
 Questions asked about Papers, nor see either Captain Car-
 caud, his Mate M^r Belt, or any of the Brig's People go into
 the Schooners' Cabbin nor did he see any one of them carry
 a Cutlass or any other Weapon from on Board the Schooner,
 that after they had got on Board the Brig, the Mate M^r
 Belt as he this Examinant thinks gave them Orders to stand
 up the Bay which Orders were obeyed, and that the Schooner
 soon afterwards stood up the Bay also; this Examinant
 further saith that when they were returned from the Schoon-
 er on Board the Brig the Brig as is abovementioned they
 found the Schooner's People who had Possession of her very
 drunk, so that they were not able he is sure to row the Boat,
 but that after they had slept some Hours they were ordered
 (by whom he does not know) to go into their Boat and
 return to the Schooner, and that he saw some Provisions
 handed down to them into the Boat, the Moon at that Time
 shining. This Examinant further says it being calm the
 Morning afterwards the Brig came to an Anchor, but set
 Sail about four Hours afterwards and in the following
 Night got into the Mouth of Patuxent where they again
 came to an Anchor, and took in a Pilot who carried the
 Brig up Patuxent.

14: March 1761.. The Mark X of
 Taken before the Governor and Council Richard Morgan
 J Ross Cl.. Conc..

The Examination of Middleton Belt aged about twenty
 Years Mariner and Mate of the Brigantine called, the Duke
 of Marlborough

p. 295 The said Examinant saith that on the eighteenth Day
 of February last the said Brigantine called, The Duke of
 Marlborough of which this Examinant was then Mate, was
 turning from behind New Point Comfort in the Bay of
 Chesopeak to clear the said Point under which she had been
 at Anchor with the Wind at South East bound to Patuxent
 River in this Province from Sea, this Examinant and the
 said Brig's Crew observed a Schooner standing before the
 Wind towards the said Point as this Examinant supposed to
 come to an Anchor the Wind being foul for the said Vessel
 to go to Sea, the said Schooner upon coming within Dis-
 tance hailed the said Brig and asked whence she came, and
 the said Brig's Captain David Carcaud answered from Sea,
 whereupon the said Schooner's Captain named (as this Ex-
 aminant hath since understood) Mulkere, ordered the said
 Brig to heave too, that he might come on Board which the

said Brig accordingly did, and the said Schooner's Captain came on Board the said Brig in his own Boat with four Hands, when this Examinant asked him where he came from, and whether he was the Master of the said Schooner, to which he answered he was not Master but he was Mate of the said Schooner and that his Master was on Board the said Schooner sick, in which Story his four Hands agreed with him but did not at this Time tell this Examinant whence he came, upon this the said Mulkere and the Master of the said Brig retired together into the said Brig's Cabbin and after some Time they returning upon Deck the said Brig's Captain informed this Examinant the said Mulkere had demanded a Sight of his papers which he had shewn the said Mulkere, upon which the said Mulkere ordered the said Schooner's Boat and Hands on Board the Schooner again for the Commission which was accordingly done and upon their Return again on Board the said Brig with Something wrapped up in an Handkerchief which the said Mulkere receiving from his own Boats' People he carried down to the Brig's Captain then in her Cabbin, some little Time after which the said Mulkere returned upon Deck and took to his Boat, and said he would acquaint his Captain, and the said Boat accordingly carried him on Board the said Schooner, and the said Schooner then hailed the said Brig and desired her Captain the said Carcaud to come on Board the said Schooner and bring his papers with him, and then sending the said Schooner's Boat on Board the said Brig the said Carcaud the said Brig's Master went on Board the said Schooner and carried with him his Papers, upon this Mulkere hailed the said Brig and desired that the Mate would make Sail after him, upon which this Examinant answered, that neither this Examinant nor any of the said Brig's Crew should touch a Rope to work the said Vessel, but that he must send his own People on Board, upon which the said Mulkere sent his Boat on Board the said Brig for two Outlandish Men the said Mulkere had observed there when he was on Board, upon which this Examinant ordered all the said Brig's Crew to get into the Boat to go on Board the said Schooner, this Examinant saying he did not understand their Crew's being separated and tossed about in this Manner that where one went they would all go and the said Crew getting into the said Boat as well as this Examinant they were all accordingly rowed on Board the said Schooner by her two Hands who had brought the said Boat for the two Outlandish-Men as aforesaid, and upon this Examinant and Crew's Arrival on Board the said Schooner the said Mulkere ordered them to be put in Irons, and upon two Pair

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Lib. J. R. of Irons being brought upon Deck this Examinant said that
 & U. S. it did not look well for one English Man to put another in
 Irons and if all the Brig's Crew were of his Mind ne'er a
 Rascal they had on Board should put them in Irons, upon
 which Mulkere said that if the said Brig's People would be
 quiet and not resist when he came to Providence they should
 have all their Wages and ten Pounds besides, to which some
 of the Crew answered they did not like Providence or Mont-
 serrat Money, upon this the said Mulkere ordered his Mate
 (who had hitherto passed for the said Schooner's Captain)
 to take four Hands and with the Boat to go on Board the
 said Brig and take Care of her, and the said Mate and four
 Hands accordingly with two or three Cutlasses but no
 Musket went into the said Boat and on Board the said Brig;
 And this Examinant observing to the said Mulkere that it
 was very odd that the Mate should order his Captain to go
 on Board the said Brig, he answered this Examinant, my
 Name is Mulkere, I am Master of this Vessel; And this
 Examinant further saith that this Examinant offered the
 said Mulkere that the said Brig's Crew should assist him
 to carry the said Vessels into any Port of either Virginia or
 Maryland, but out to Sea they should not go. After the
 said Schooner's Mate and Hands had got on Board the said
 Brig the said Boat broke loose from her, and there then lying
 two Cutlasses on the said Schooner's Quarter Deck this
 Examinant laid hold of one of them, and ordered another
 of the said Brig's Crew one Laughlin Donnalon to take hold
 of the other Cutlass which he accordingly did, whereupon
 this Examinant ordered the said Brig's Crew to tye the said
 Mulkere and all his Crew with their Hands behind them
 which they accordingly did and then this Examinant steered
 the said Schooner towards her said Boat then adrift from
 the said Brig took her up, and made her fast at the Stern
 of the said Schooner and then set Sail in the said Schooner,
 and steered after the said Brig then standing in again for
 New Point Comfort, and halling down the Schooner's Pend-
 ant this Examinant hoisted a Whiff in her Jack at the Mast
 Head for the said Brig to bring too, whereupon the said
 Brig hove the main Top Sail aback and brought too, and
 then this Examinant ordered the said Brig's Crew on Board
 the Schooner with him to wet the said Schooner's Guns
 which they accordingly did, and upon coming up in the said
 Schooner with the said Brig, this Examinant let fall the said
 Schooner's Sails, let go the Anchor and gave her a sufficient
 Rope or Cable, then unreeved her Halliards and Downhaul
 and cutting the standing Part of her main Halliards, and
 this Examinant asking the said Carcaud the Master of the

said Brig whether or no he had his Papers from Mulkere, he answered, no, he had not, and this Examinant demanding them of Mulkere he answered he knew not where they were and then ordered all the said Brig's Crew into the said Schooner's Boat (except this Examinant's Captain the aforesaid Carcaud), the said Carcaud then told this Examinant he had seen the said Mulkere put the said Papers into a small Trunk in the said Mulkere's Chest in the said Schooner's Cabbin, and upon this Examinant asking of the said Mulkere his the said Mulkere's Keys he readily gave them to this Examinant, but the said Mulkere's Chest was not locked tho' the Trunk within it was, and on receiving the said Keys this Examinant went into the Schooner's Cabbin and called to the said Captain Carcaud to come and observe this Examinant over-hall the said Trunk, and the said Carcaud coming and standing close by the said Cabbin Door near which stood the said Chest, this Examinant over halled the Papers in the said Trunk the said Carcaud standing by the Whole Time, and the said Mulkere also saw this Examinant during the whole time, that this Examinants' over halling the said Papers was only by turning them over (without looking into any of them) supposing that Captain Carcaud might know them by their Outsides, but they were not found there, but this Examinant saith that under the said Papers in the said Trunk he observed many Dollars but no Gold And this Examinant saith in Order to examine the said Trunk he took it out of the said Chest then shut the said Chest down and put the said Trunk (which felt heavy) upon the Lid of the said Chest before this Examinant unlocked the said Trunk to examine it, and this Examinant then returned the said Trunk into the said Chest, and shutt down the said Chest leaving the said Keys with the Trunk in the said Chest, but this Examinant saith that he did not take any papers out of the said Trunk Chest or Cabbin but left every Thing therein as he found them, upon this Examinants' coming out of the said Cabbin the said Mulkere hailed the said Brig (then very near the said Schooner) ordering her not to bring too, whereupon this Examinant took an Handkerchief belonging to himself from about his own Middle, and tying it across the said Mulkere's Mouth on the back Part of his, thus gagged him in Order to prevent his giving Orders to the said Brig, and thereby prevent this Examinant and the said Brig's Crew from getting on Board her, and immediately upon this the said Captain Carcaud this Exami-

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Lib. J. R. nant and the rest of the said Brig's Crew went on Board
 & U. S. the said Schooner's Boat leaving the said Mulkere and the
 rest of his Crew on Board the said Schooner tyed as afore-
 said, and upon this Examinant and his said Company in the
 said Boat's Arrival on Board the said Brig they imme-
 diately made Sail in her up the said Bay for Patuxent-River
 aforesaid and immediately after having thus made Sail, this
 Examinant and the said Brig's People observed Mulkere and
 his People on Board the said Schooner, walking about on the
 said Schooner's Deck and soon after saw them heave up
 their Anchor and make Sail after the said Brig which was
 between one two in the Afternoon and between three and
 four the said Schooner was within about a League of the
 said Brig which continued Sail all Night but about two of
 the Clock the Next Morning this Examinant demanded the
 said Brig's Papers from the said Schooner's Mate who took
 them out of his Pocket rolled up in a Handkerchief with the
 said Schooner's Commission and delivered the said Brig's
 papers to this Examinant when this Examinant ordered the
 said Schooner's Mate and his four Hands into their Boat,
 and gave them three Days Provision and Water and the
 three Cutlasses which they the said Schooner's Mate and
 Hands had brought on Board with them (and were all that
 were on Board the said Brig this Examinant having searched
 the said Brig for every Thing that might belong to them;
 And this Examinant and Laughlin Donnalin having before
 they left the said Schooner quitted the two Cutlasses they
 had taken up on Board her) and ordered them off from the
 said Brig, at which Time this Examinant could see Smith's-
 Point being the Lower Point of the Mouth of Potowmack,
 and about three Miles from it rather below it, and the next
 Night about twelve of the Clock the said Brig arrived at
 Patuxent where a Pilot came on Board and carried her up
 the said River, and the said Examinant being asked where
 he or the said Carcaud Master of the said Brig had shipped
 some of her Crew he answered at Salem in Delaware, and
 being further asked from what Port the said Brig came next
 before her Arrival at Salem he answered not, nor to the
 further Question where the said Brig took in her Sugars.

16. March 1761.

Middleton Belt.

Taken before the Governor and Council

J Ross Clk.. Conc.

At a Council held at the City of Annapolis on Friday the twentieth Day of March in the tenth Year of his Lordship's Dominion Annoq Domini 1761:

Lib. J. R.
& U. S.
p. 299

Present

The honourable	{	Benjamin Tasker Esq ^r	{	Benedict Calvert Esq ^r
		Colonel Charles Ham-		Stephen Bordley Esq ^r
		mond		John Ridout Esq ^r
		Colonel Edward Lloyd		

Col: Hammond and Col: Lloyd are qualified by taking the several Oaths to the Government and subscribing the Abjuration and Test.

Upon Consideration of the foregoing Depositions and Examinations, advised, that the following Order issue to the Chief Justice of the Provincial Court.

Maryland..

Whereas It appears by the Depositions of Valentine Mulkere Master of the Schooner Industry Thomas Dale Mate of the said Schooner, John Reynolds, Arthur Pierson, William Every, William Jones, and Thomas Anderson, Mariners of the said Schooner taken before the Governor and Council, Copies whereof are now laid before you that David Carcaud Master of the Brig Duke of Marlbro', Middleton Belt Mate of the said Brig, Laughlin Donnalín, and Richard Morgan Mariners of the said Brig and several others stand charged with Piracy.

We the Governor and Council of the said Province will and require you that you issue your Warrant in usual Form, directed to the Sheriff of Ann Arundel County for apprehending the said David Carcaud, Middleton Belt, Laughlin Donnalín, and Richard Morgan and bring them before you or some other of his Lordship's Justices of the Provincial Court, to be dealt with in the Premises according to Law. Given at Annapolis this 20.. of March Anno Domini 1761.

	[] Hor Sharpe
[] Benjamin Tasker	[] Benedict Calvert
[] Charles Hammond	[Seal] Stephen Bordley
[] Edward Lloyd	[] John Ridout

Ordered that the present General Assembly of this Province which stands prorogued to Monday the sixth Day of April next, be further prorogued to Monday the thirteenth of the said Month of April and Proclamations issued accordingly.

CORRESPONDENCE

OF

GOV. HORATIO SHARPE

1754-1765

ADDRESSES

[Lord Glencairn to Horatio Sharpe.]

My Dear Gov^r

I'm shour you will think me very troublesome for soliciting you so often, but a man that has conections with Ladys must sometimes doe things contrary to his own inclinations to please them, in short I have been so teased by my sister Lady Hedith Campbell to write to you to countenance the bearer of this M^r Wightman who was for sometime a partner with a sone of hers in Virginea and who is left to gather in some outstanding debts that I could no longer resist, if you will be so good to countenance M^r Wightman she writes me it may be a good deal of money in my Nefeus way, if you can conveniently doe this I shall take it as a favour done me.

I had lately a letter from M^r Fisher wherein he tels me nothing will be done in the Madiere Islands till next winter, my wife Joins me in compliments to you, and with great Sincerity I am

My Dear Sharpe
Y^r most Obedient
humble Servant
Glencairn

Jan^r 26th 1754

[Cecilius Calvert to Horatio Sharpe]

London 12 Decem^r 1754

Dear Sir

It is Necessary I should write you a few lines by way of Privacy & that you will do the same to me, as thereby we can be more explicite to one another, as to some particulars then by Our Publick Letters, & as such are Only to Our-selves who mean well, therefore when Read ought to be Destroyed, w^h you may depend on my part shall be, doubting not the same of you.

The many applications from the Province & at home for the vacant offices & the promotions of the Council is prodigious all turns have been exercised with Malevolent insinuations ag^t one another, praise worthy of themselves Disinterested, only a value for the Proprietor the reasons & motives of their Desire of preferment, thus they veil over all self Interest. The share I've Act'd & always shall is to render your Administration as easy to you as I can, as thereby must gain the best Service for his Lord^p

In order thereto, M^r W^m Gouldsbrough by you is of the Council, M^r Calvert as you offer'd him in the Land office, M^r Stuart's remove out the office has been Occasion'd by his being run hard by Adversaries chalenging their own Merrit ag^t him they said had none, M^r Bladen set up M^r Tasker Jun^r for Deputy Sec^y ag^t M^r Bordley y^r Recomendⁿ from you whom I had accepted of & My Lord approved, by Letters from the Province & Merch^{ts} have joyn'd with M^r Bladen they represented him in so disagreeable obnoxious a manner to my Lord that I was forced to give him up as Sec^y however Resolv'd their Policy shou^d not take place as to M^r Tasker Jun^r I therefore started M^r Plater for Sec^y he was so undeniable a good man they could make no Objection ag^t him therefore he has the appointment, and in Order that M^r Stuart shou^d be easy as they could make no Alligation of Wrong ag^t him I therefore stood his friend & gain'd the Proprietor's Consent as you had not desired his Removal, however if removed, M^r Tasker Jun^r in his place of the Land Office & he to succeed M^r Tasker Naval Officer of Annapolis, M^r Bladen hesitated he Question'd whether his Nephew wou^d accept the Remove I told him that was not with me, if he does'nt then M^r Stuart is where he was. Here is one M^r Harrison here whom M^r Bladen set up to succeed M^r Plater at Patuxent the Objection with me was not to give up M^r Bordley Quit & thinking it unjust to abandon the Attor^y. General I therefore Plan'd in Regard to them both as p^r Instruction, w^h My Lord approved of with^t Hesitation & I hope will show M^r Bordley his Lord^{ps} inclinations towards him & a way if can be contrived to Defeat his Adversaries & to his gaining favour by your Recommendation. You will observe by Instⁿ M^r Bordley was Naval Officer with^t Limitation & had been so, had his Adversaries Quit'd him. I therefore form'd the last Instⁿ to nominate him as of Service to My Lord, in case M^r Darnell could otherways be provided for—the Duke of New Castle is run hard in the Political Warehouse in Britain & in Minature I with Maryland—By their return to you two vacancy's are in the Council, for my part am at a Loss who to put in, & those who have been recommend' here by others as they might be disagreeable to you My Lord has Consented ag^t further promotion therein, until he hears from you in relation thereto. M^r Lloyd who always writes very well & obligingly of you requests such favour for M^r Charles Goldsborough, he has & is an opponent I observe to My Lord, if he can be brought off to Act reasonably he is by Character a Man of Abilities for such Station; if you approve, he has also wrote

in favour of M^r Richard Lloyd his Brother to be Admitted into such Station, he says his Eye is so extremely bad as he apprehends will Occasion his coming to England, to obtain help for the Recovery of it, in such case, has desired his Brother may Act in the Office of Agency, until his return; I have spoke to My Lord who has consented to the same; this so happening will make a Loss of him at the Council M^r Lloyd the Agent since his Admittance into that office has rendered My Lord such Service, & I am Sensible is a Man of Real importance to the Proprietors Wellfare & Support of Life. 'tis worth much to oblige him with his Brother or some other as shall be agreeable to him in the favour of the Council & as his Absence may be some time in England & his Brother in the Agency why not of the Council? w^h will compleat him in Authority in Trust as Agent & thereby more able to execute the Office to My Lord's Advantage. His Brother's absence leaving him in Trust makes the excuse his being so Necessary. My Lord desires recommendation from you of Personages from the Lower house to be Now & then present to be of his Council of State & it wou'd be right when you write to me in your Publick Letter to observe thereon, he also desires the Members of the Lower House or their familys may have share of his favour, as thereby their virulency may be abated, this I understand M^r Bladen has fill'd his head with, tho' not practiced by him when Govern^r & I am sensible is not to be accomplish'd L^d Oxford 'tis said when first Minister on a Gentleman's Application to him for provision for him told him, he was very Desirous to Serve him, But realy the common field of preferment was so smal & all ready so over Stock'd with

that they were in a degree famish'd for want of provision be this Britain's Case, what must it be with its Infant States! M^r Calvert in mine to him, I've mention'd that you have wrote in regard to the Land office nothing but of the vacancy by M^r Young's Death; that you have done him no prejudice, his Demands on My Lord are not to be complied with. M^r Harrison whom I've mention'd afore is represent'd by all here a Gentleman of good Character & has been Serviceable in the late proprietors Affairs in Election & is desirous to shew his Interest & regard to the present Lord & to you in contributing all in his power to your ease & Satisfaction in Government; so soon as it is in your Power, I hope you will give him as Testimony of your friendship, it will be agreeable to My Lord; I shall Esteem it an Obligation, his wife is a relation to Our family. I understand M^{rs} Grayham is arrived, when I wrote to you

concerning her Support & Maintenance & for w^h purpose to put M^r Grayham by My Lord's desire in office whose value I was not then apprised of as I am now, By your list of offices & Salarys in the Province the two offices I requested of you in favour for her by putting M^r Grayham in I find am^t upw^{ds} of 196^t p^r Ann. the intention being only to provide for her well with sufficiency w^h will be compassed by a 100^t p^r Ann. & as she lives with M^r Grayham will be a means of Rewarding him for his trouble & Expence she may Occasion him therefore, you will manage in what way is most suitable to you in regard for her security of the 100£ p^r Ann—Indeed on these acc^{ts} I am sorry you are to have further trouble; M^r Wogan's affair I did all I could to stem with My Lord, to no purpose, he express'd himself very severe my Opposition to it w^h I told him proceeded not of Opposition to him or dislike to M^r Wogan, but that I fear'd such provisions would be too great a Burthen on Offices, however, as I found him averse to all argum^t against it & that he had wrote you a Letter thereon, I mention'd on M^r Wogan's behalf as wrote in My Publick Letter to you. you must do the best you can & take to your self some employ to answer the purpose by return I shou^d think best to My Lord himself, I can't see how from the Land office by its produce. I thank you greatly for your return to me as p^r Bill of 125£ & of 4 Bills am^t of 125£ being in your discharge to me with regard to My Lord desire as p^r his Instructions to you for paym^t of 200£ p^r Ann. in Consideration as a recompence on your part for my Attendance as Sec^y of the Province in Execution in General of Affairs from the Proprietor for the wellfare of the Province, the two sums making two hundred & fifty pounds if you mean a return for a year is over paym^t of 50£ unless you mean My request to you for My Distressed Sister, I've applied the same to her & family as such, apprehending it so, as you promised agreeable to my request to you on her behalf, you would if in your Power Aid her in Misfortune. I observe among your List of Proffits of Offices No Persons set down as Rent Roll keepers of either shore, M^r Lloyd by y^r Instructions was to be for the Western & M^r ? Tilghman for the Eastern the 1st being Treasurer for the Eastern I suppose declined it. the 1st stands in My Lords Acc^{ts} at 135£ 15^s 5^d 2^d the other at 125£ 6^s 7^d by acc^t 1751. one of these taken to yourself wo^d answer W. Gratuity, I have not as yet shewn the list offices with the Proffits as yet to My Lord, the Number of Places some hold they wo^d take hold of He has often Observed to me that he has been informed that some have too many that hinder the

Distribution of them of no Service, being among few & given to such as have no share in the Govern^t I therefore have postpon'd shewing him the List until I have reduced the Currency of the List into Sterling, by w^h he will judge best as to Quantum of Proffit each Place produces, M^r Bladen I am inform'd has Magnified all greatly, except when it is to Serve his Alliance. I think you wo^d do well to fill the Council Board with chosen Persons of your own, not of Recomendations from those of the worn out Interest, who for many years have been enrich'd. Lloyd, Plater & Goldsborough, Interest must be with you sure. M^r Hanbury who is always desirous of Serving his friends such as are Corespond^{ts} he gains by, But often opponents to My Lord's affairs. M^r Thomas of the Council he is very solicitous for, indeed I observe him on the List with Provision, he Character a Man of Abilities, But he has Adversaries here. M^r Hanbury says the Affair he was charged with in the late Lord's time he honourably acquitted himself of, he writes for preferment, My Lord says he knows no reason why it shou^d be deny'd him. M^r Hanbury desiers favour for M^r Wostenholme, if you will be so kind as to serve him he desiers no great matter for him, but as he is chief manager of all his transactions in the Province your distinguish Mark of favour to his Agent will greatly Gratifye him. Having appointed M^r Plater my Deputy & Inclosed My Commission for that purpose to you to deliver the same to him I beg leave on my part to say in relation thereto to you. By y^r List of proffits of Offices to observe the Sec^{ys} office p^r Ann set down at 1307.. 14.. 9 w^h at 50 p C^t Discount reduces it to a little more than this is much below the mark M^r Jening's has owned it yeailed him there are contingent chance proffits th^t attend it. I have wrote to M^r Plater that I have left it to you and him to settle the Quantem to be paid to me from him Annually I think I may with^t hurt to him as the Office is in me to him require at least 300£ p^r Ann. what more I will not say, & of this I only mention with regard as the proffits of the office appears to me by y^r List Sent, for I leave it intierly between you & him to ajust the same for me & shall rest Satisfyed with such Determination w^h I pray your Service & friend^p to determine on my part with him with^t Delay. I've Inclosed you a Bond with Special Conditions for his due execution of Office, as My Deputy Sec^y of Maryland which when you have settled matters on My Acc^t it will be Necessary for him to execute to me on y^r Delivery to him My Deputation to him & w^h I beg the favour of you to transmit to me. I have wrote him word

of y^r having an Esteem for him. M^r Hanbury hopes if at present you can't favour M^r Philip Thomas you will his son W^m they are Corespond^{ts} of his & plagues me much about them. If you approve I shou^d be glad you wo^d Speak to the Father & acquaint him M^r Hanbury has made much Sollicitations on his sons behalf for gain of preferment w^h tho at present not had, will M^r Hanbury desires as a means to convince them has endeavoured all Service to Them. He further desires of me on the Behalf of M^r Wostonholme for your friendship to him I know not how to say to you Unless you think it proper to give him the Loan office place M^r Stuart holds, as M^r Stuart will not be had provided for either by the Land Office or as Naval Officer at Annapolis, w^h of them be his Lot.

Thus have unburthen'd my thoughts to you tho' not accurately Laid in w^h you will excuse all Errors as I have but just time before the Ships departure to write thus to you. I inclosed this to M^r Plater as I regard him a Man of honour in Case as you was on Military exploits of Accident to y^r Person w^h wo^d Grief to me to hear, however of non deliverence to you to return it to me.

Y^r most affe^{tl}y & obliged h^{ble} Servt
Cecil: Calvert

Post M^r Jening's is come up from Yorkshire where he is settled, his Resignation is willingly with Respect to Maryland. But hopes in time some provision will be made for M^r Brice his Kinsman, he desires your favour & Interest therein, he has My Lord's & my good wishes thereto so soon as you can you will be obliging therein.

[Cecilius Calvert to Horatio Sharpe]

London Febr^y the 15th 1755

Dear S^r

The Rev^d M^r Thornton the Bearer from your Recommendation My Lord obtain'd him Ecclesiastical Orders by the Bishop of London, & his Lord^p by Instructions Dated Dec^r 10th last, sent you his Testimony of Real Approbation of him as by induction into S^t Pauls Parish Queen Ann's County. he Informs me he has a Brother in the Province, for whom he Requests some favour, w^{ch} I hope he merits. I therefore take the Liberty to joyn Issue by the Proprietor's permission for your Kindness to him

Yours the 17th Dec^r I have just Rece^d Inclosed yo^r Speech to the Assembly the 14th of Dec^r last, w^{ch} My Lord Approves of, and is Pleased with the Address's in Answer from both Houses to you.

By you little is to be Expected from Pensilvania by way of Assistance, tho' Conspicuous is their Danger. Their friends here have at all times puff'd off the Advantage that Colony is to its Mother Country, from it's numerous Inhabitants & wealth. But as the Production of that Colony is almost only Grain and Victualling Provisions the Growth & Produce of England, I have Always conceived it rather of Disadvantage to its mother Country, in as much as it is a Rival at Market wth the same productions. It is now likely to prove it self of no Service in a material Instance, from the Government being Exercised by men against the Law of Nature that in Defence of self preservation! proceeding from Tenets of passive obedience and non resistance Especially ag^t an Enemy both in Church & State. I entertain hopes of hearing from you that our Assembly will Determine on better Service for the Publick, then what you Mention. The Government here are Active in their Armament of a Squadron Consisting of the Largest Ships of Burthen, wth Marines on Board, almost compleat, France Powerfull as she is cannot Compare wth Britain's Navy; It is certain at the conclusion of the last War she had few ships of Force left, that were not fallen into English hands, or were not hurt & shattered by them or by themselves worn out. But say People she is reenforced since, Grant it; yet no ways Equal to England's Main Royal Line, or other 4th 5th or 6th Rates of Ships, nor in Number of them. It is urged her Seamen are Registred on half Pay, who by Edict she can soon Collect; the Consequence of her Edict as it Carrys Death not Instantly to come is the Bane of her Trade, as it forces her Seamen to return from Foreign Ports often leaving the Vessell & Traffick not being capable to sail on the sudden Notice of the Edict. It is Complain'd England Issues by Proclamation a Greivous Press, w^{ch} Occasions the Seamen to Secret themselves, what then? 3£: a man Voluntier money paid by Proclamation & 40 Shillings for information of them bring them to the Ships; this Reward has such Effect, that the present large Squadron has been soon Supply'd as to admit Early Protections to the Trading Vessells for men & matters are not arrived under such circumstances as to have given France the Ballance of Trade against us. His Majesty and Councils measures seem fixt wth Resolution not to be foil'd wth the false promises of France, but Vigorous in Support of the Nations wellfare, his Crown & Dignity. May all Success attend his Troops on their arrival in America, whom Joyn'd wth the Forces there, I hope will prove the Down fall to France on that Continent,

& rest our Provinces on a Sure Footing, against all Events of Time. The great share you have Acted, with Duty Respect & Regard to his Majesty & his Lord^p your Proprietor is well Satisfied therewith, and all friends here are of Opinion that had yo^r Strength by Forces been in any proportion to yo^r Resolution & abillities your Country wou^d have Reaped Both Honour & Advantage from you: And tho, your Command of his Majesty's Forces E'er this may have ceased wth you on the General's Arrival from hence, My Lord is happy by Experience from you, your being his Governor & Command^r in Chief of his Province, as likewise all will be Committed to your Care

The Proprietor, Vigilant to the Advantages of his Province and True to his promise sent, contain'd in his Answer to his Lower House of Assembly, on their desire Communicated to him to Obtain a free Importation of Foreign Parts to the Province he has taken the most Carefull Steps to the Gain of it, & in order thereto has got the Earl of Granville President of the Council, the Lords of the Treasury, and of Trade Consent, as a right thing to have moved for the bringing in a Bill into the Parliament for that Purpose; This seems a likely Security for the Carrying it, but I fear it; for the outward appearance of Men in power is so different to their inward Govern'd Chiefly by private Views, that things are often Subject to change wth them on the day of Tryal; I hope in this instance I am a wrong Prophet. Lord Vis. Barrington is to move the Petⁿ for the Bill next Thursday, M^r Aldmⁿ Baker of London intends strongly to Oppose it. I have done all I can to Draw him off, To no purpose; he is of New York & belongs to the Province as a Coresp^d by Pecuniary Commissⁿ the measure of self Interest makes him obdurate ag^t any other Province obtaining the Bill as it may be a loss to them that have it & are become Salt-Sellers to all the other Colonys, Granted them by Parliament the Importation of it from Foreign parts. Whatever Turn this affair takes, I assure you the Lord Proprietor has done his part to the Gain of it for Maryland; If it should turn out contrary he can't help it, as he must submit it & his Province to the over Ruling Powers & to Publick or Private Interest here at home. M^r Aldermⁿ Baker's Objection is, wth others who hint opposition all Numbers that the Intention of the Marylander's is to Gain by Illicite Trade, That they cure no Fish nor will they, I answer'd if that was real Truth the Objection was the same ag^t the Provinces that had the Lycence of Importation, Maryland pray'd for; if really a detriment to England by Clandestine Trade, than a Repeal-

ing Act ought to pass to prohibit the Importation of Foreign Salt ag^t the Colonys that Exercised it; That the Difference of Provinces ought not to stand, one Fish or Flesh more than another. These things I write to remind you of the Art & Subtility of men here to serve purposes, and of which you are acquainted are the Human dealings of Men wth respect to one another, where profit is the Gain. My meaning in this is that if wee fail in Obtaining the Act, the Maryland Gentlemen and others I hope will be so Candid to believe all has been done for the procuring it; in which yo^r Brother John a member of Parliam^t & Will^m has Sincerely Joyn'd Issue wth us. I am with the Greatest Respect

Your very Obliged Hum^{ble} Serv^t

N. B. The Person you have In- trusted w th the Sending of the Maryland Laws I fear he is Negligent therein pray forward them	}	Cecil ^s Calvert Why is M ^r Dulany not in the Lower House, I hope you'l speak of his paym ^t to me.
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To His Excellency Horatio Sharpe Esq^r

[Cecilius Calvert to Horatio Sharpe]

London May the 20th 1755

Sir.

I have yours of the 12th March, for my part I regard you as a Blessing to My Lord, you are on the spot & a fair Judge of all things, 'tis therefore his Lor^p has given you y^r List to choose out mention'd in my Publick Letter for the Council Board, M^r Cha^s Gouldsborough his gitting to the Board must be throe y^r means, as to M^r Ric^d Lloyd as you say, his promotion there need not be hurry'd, I am glad you have made him a provincial Magistrate & that he will meritt your Esteem. I find 'tis a difficult matter to provide for M^r Darnall, I hope a good opportunity offers by my Lord's Directions expressed in my fores^d Letter, by the Remove of M^r Tilghman, M^r Lloyd the Agent taking the Office of Rent-Roll-keeper of the East shore where he lives, M^r Darnall on the West. where he Resides, this exch^g will make good provision for Latter & be more suitable I apprehend for M^r Lloyd & it will be placing M^r D— in office where the recep^{tn} of Cash is not requisite, w^h is Absolute necessary If I am inform'd right about him; By y^{rs} you seem not rightly apprised of those offices, by being promis'd an Acco^t of the incomes of them. what secret proffits attend them will not be discover'd, Ill discover to you an Annual One charged in Acco^t to the Proprietor during M^r Tasker's Agency viz. in his General acc^t 1752 charged paid, To the Rent-Roll-keeper

his Salary to the 10th of Oct^r £142-10, To Ditto the East shore £108:2:10 Charg'd with^t Names, the first was to himself. If you can provide for M^r D— at Patuxent or R. Roll-keeper either scituation will make Room for M^r Bordley to accept I hope of being Attor^y General with something Annex'd to it, tho' this is Subject to M^r Plater's Acceptance of My offer to be my Deputy, a Person I am not so fond of having as I was, he is old & not properly Qualified to carry into execution the business of my office with me, M^r Bordley is & from your recommendation I approve of him. if M^r Plater makes Doubt of my Prop[os]als press not the matter on him, let him remain as he is at Patuxent. If you find the Rent R. keeper suitable for M^r D. then My office is at Liberty to offer others; I cannot think my Lord wo^d Object to M^r Bordley being My Deputy on his Acceptance of the Attorney General's Place & continuing in the Lower House as his Remove can be to the Upper House in due time; his Lord^p being only prejudiced ag^t him by wrong representations of others who have a long time been Accustom'd to Rule the Roast to their own Interest if you think it proper to appoint him as I here mention his Acceptance being under the Conditions I offer for my Deputy Noted in my Publick Letter, I think you may venture to do it, by representing to My Lord the Absolute necessity of his Affairs required a Person of Abbilites in Office as his Attor^y General, I'll support the appointment & do think there is no doubt of carrying it ag^t all opposers, tis' absolutely for my Lord's Advantage, you must lose no time therein: If you approve not of that measure. I desire y^r recommendation may fall on some Person at the Council Board not of or intierly of the Old Stamp of Politicks at the Board. as to M^r C— I have a real value for him but can't think him proper, he is very unknowing & link'd with disagreeable People, M^r P.— must be a weak man, the Attor^y writes me word he has inform'd him of all y^r Discourse by Proposition on the Subject of Mine & your offer as Deputy Sec^y M^r Attor^y deseirs to succeed thereto with a place at the Council, as that is a matter can't be under any Notion as I can form proper I have refrain'd my answer to his Letter, otherways than in My Posⁿ these are matters that bring you under great & Nice Tryall. God send you good Deliverance, I as of y^r Counsel will do the best for you as I have rec^d & shall ajust with M^r Jenings to the time of his being out of the Office w^h is to the date of appointment by my last Letter that is when you Ordered it to take place it will be proper for me to know thereof. If M^r P— refuses w^h I hope he will, on a New Person being

appoint'd it will be proper to settle the Perquisites & dues of the Office with the Clerk (who I suppose is M^r Brice) since y^r appointment took place & will be due on a New appointment of a Person. I shos^d think half to the Clerk is well sufficient, the other half to be regulated according to paym^t to me in my Publick letter, But of this I leave intierly to you. The Inspection Law I will Endeavour its Continuance during its Limited time, as it will be of bad Consequence to be otherwise. As to his Lord^{ps} desire I acquaint'd you concerning Members of the Lower House having Preferments, 'tis a matter I had from him & as he Reads & agrees to all things before I transmit you my Publick Letters it was a Proposition by his Order enter'd therein; I believe he had it from M^r Bladen who I think knows better, It will be & like as you Observe, to Countenance the Virulent of that House, giving them preferment will be like beheading a Hydra where three Serpents Heads are fabled to have immediately sprout'd out in th Place of One. However as there is hardly no Rule without Exception, as you have done to his Lord^p among those you have recomended being of & have been Members of the Lower House to be of the Council, when you let your choice fall on such a Member I wo^d Acknowledge to him it was in obedience to his Lor^{ps} desire, that you wo^d do so when consistent with the well conducting his Affairs, & I wo^d set forth to him with great difference the real Reasons ag^t too often carrying his Proposition into Execution, his good Sense will easily discover it. I have spoke to Hanbury who takes kindly y^r Comp^t for not writing to him. You will do well on all Acco^{ts} to satisfye My Lord's desire to M^r W. he depends upon it I can't persuade him from it. I return you much Thanks for y^r Bills 3 amo^{tg} to £125:6:8 y^r kindness with Respect to My Sister also deserves much mine & her's thankfullness to you of w^h we beg your Acceptance, of w^h I think you will do well as you mention to repay yourself, & what shall happen to fall in your Power for her Service wee do not doubt of your friendship & kindness therein. I beg you will acquaint M^r Calvert that M^r Philpot has been with me who says the Commissioners of the Custom will soon make Report of the Affair between him & M^r Sterling to the Lords of Trade & Plantation, the Effect of w^h he apprehends Certain will be Dismission of the Latter from his Employ^t at Chester River, I think he deserves it for chicanary.

M^r Dulany & M^r Tasker are backward in paym^t to me I pray the favour of y^r reminding when Occasion offers to them thereof. the first's conduct appears Odd to My Lord, it

will postpone some time his seat in the Council. You must secure a Majority at that Board all's not sterling Gold that Glitters there, have a care of Judas's.

M^r Lloyd's annual Acco^t he has not sent, M^r Tasker always transmit it Ballanced to Michelmas, I beg you will give him a hint of it, there are People who take all advantages by Insinuation.

Your own Family are all well, I deliver'd y^{rs} to your Brother John, I press'd for y^r Service with the Duke of N. he told me he wo^d that Gen^l B——k had Orders from his High^{ss} the Duke for such purpose

I am with the all Respect & Sincerity

Y^r friend & obliged h^{ble} Serv^t

Pos^t I have rec^d M^r Plater's Letter my } Cecil^s Calvert
answer is cont^d in my Publick
Letter my comp^{ts} wait on him. }

His Excell^y Horatio Sharpe Esq^r

[Cecilius Calvert to M^r Ford]

Charles Street Westminster

June 11th 1755

Sir

Lord Baltimore desiers me in Answer to a Memorial left at his House By M^r John Stewart of London Merchant, to acquaint him that his Lord^p knows of No Act of Assembly that has passed in his Province of Maryland for the imposing a Tax of 20^s p^r Head upon a Convict to be Landed there. If the Memorialist knows of any such Law enacted & passed by the Houses of Assembly in that Province his Lord^p desiers he will produce it & he will take due Consideration thereon & render the Memorialist all Justice requisite in such a Case Bona Fide brought before him

I am with Respect

Pos^t

Y^r most Humble Serv^t

This is Direct'd to

Cecil^s Calvert

you as I understand

you are the Memorialist

Attor^y at Law

(Copy)

To M^r Ford Attor^y at Aldermanbury London.

[Cecilius Calvert to Horatio Sharpe]

London Aug^t 22^d 1755

Sir

At present you cannot have Answers to all the Material Particulars of your Letters of April the 14th 19th and 22^d

of May last. Inclosed is his Lordship's Instructions with relation to some. The Tobacco Law and Ordinary Lycences he has referred for the Opinion of M^r Attorney General, therefore postpone's his Consideration 'til he receives good Advice, to form Judgement and Determination on such important Points, which will take him e'er had, being now Vacation among the Law, in the Country. On the Subject of those matters, His Lordship on hearing the Messages read from the Journals of the Houses, is Satisfied with your's and the Conduct of his Upper House; But thinks the Majority Party of the House of Burgesses Dealings severe and unkind, giving no Credit or Respect to his Instructions concerning, rather seeming to tend at a Prohibition of Rights and Prerogative.

The Affair of M^r Crabb a Member of the Lower House, his Representation against M^r Rawlins a Magistrate of the Country and the Summons of the House for M^r Rawlins's Appearance before them; His Lordship is in Opinion, not warrantable, He approves of your Answer to their Address thereon, hopes it will Caution against such Proceedure of the House for the future; not to Subject his Justices of the Peace to the Caprice of that part of Assembly. If by the Justice's Action of Impress of the Man to His Majesty's Service, he acted contrary to Establish'd Law, a Tryal at Court would have sett that right. The Rights and Priviledges of the House is fitting to be held, But a Regard must be had to preserve the Rights, Priviledges and Liberties of the People; Certainly Secured and Dependiant upon the Due and Legal Exercise of Laws under our Constitution, and not Suffer them to be summoned or prosecuted out of the Ordinary Course of Proceedure as you well Observe in your Answer to the House. The Complaint seems groundless, if otherways was relievable elsewhere being the Proper Object of a Court of Judicature. For as M^r Rawlins the Respondant, inter alia, in his Answer to the Charge of the Report of the Committee of Grievances on the Summons and his Detention by the House under a Judicial Capacity, his Observations thereupon are very Cogent, Viz.

That by the 25th of Edward the 3^d Chapter the 4th It is Enacted that none shall be taken by Process of Suggestion, Unless by Indictment of good and Lawfull People of the Neighbourhood, or by Process by Writt Original at the Common Law. By the 28th of Edward the 3^d Chapter the 3^d It is Enacted that no Man shall be Imprisoned but by due Course of Law. By that of Edward the 3^d Chapter the 13th No one shall be put to Answer without Presentment before

Justices, or Matter of Record on due Process. according to the Old Law of the Land. And by the first of Henry the 4th Chapter the 14th Appeals to Parliament are Declared against, as Contrary and Repugnant to Reason and the Constitution. That this Method of Complaint is not only against the before recited Statutes, but also against the General Frame and Tenor of the Common Law. By this the Subject may be twice Punished for One Offence, for no Proceeding in this will preclude the Cognizance of the Courts of Law. And Observes, he will Lose the Legal Tryal by a Jury of his Peers, the best Discovery of Truth. By this his Birth Right Admitted in the Ordinary Courts of Judicature and his Right of Appeal.—And By this his great Security against false Testimony, for no Indictment could be prosecuted (as he Conceives) for a Perjury which might be Committed on Examination before this House in such Case as this.—And by this the Benefit of that wise Institution by which the Law is Determined by one, and the Fact ascertained by another, under the Most Sacred Obligation to Administer Right and Justice.

The Respondant's Plea and Answer seems good, by the Behaviour of the House not Justifying their Proceedings; (on the Contrary). Ordered your Message to be Read and the Papers thereto Annexed (M^r Rawlins's Answer to the Charge) to be Referred (Sine Die) to the Consideration of the next Session of Assembly. And makes Enterance in their Journals short of Your Message to them thereon. I shall Conclude with this Remark on the reality of the Ordinary Course of the Common Law. Even Oliver Cromwell who trampel'd almost upon all Law, yet was so Sensible of the justness of the Ordinary Course of the Common Law, It is Asserted, he went Disfigured privately at night and waited on M^r Hale a Councillor in Lincolns Inn and of great Abilities in the Law. he told him, he did not require his Oaths to him, as he knew him a Stanch Royalist; But it being Absolutely Necessary the Process of the Ordinary Course of the Common Law should Continue, as Essential to the People. he therefore Desired his Acceptance of a Commission from him for that purpose; which he received and Exercised on his Circuits so justly; That King Charles the second at his Restoration Knighted him Sir Mathew Hale and made him Lord Chief Justice of England. The Common Law is the Touchstone of Our happy Constitution, 'tis self preservation and of Right attends the Subject through all the British Dominions. His Lordship Recommends to you that you will on All Occasions exert yourself against

such Proceedure of that House, he thanks you for the part you have Acted, and thinks M^r Rawlins deserves Reward when opportunity offers, for his just Defence as his Magistrate.

With Relation to the Committee of the House, as appears by their Journal, for the Examination of the Accounts and Papers about the Disposal of £600 granted to His Majesty's Service in July 1754. The Deficiency of the Several Charges therein contained of M^r Cresap and the Recruiting Officers Accounts, The Proceedure of the House thereon is surely premature, the Vouchers from the Commissary of Stores who attends the Troops not being delivered. His Lordship doubts not But they will truly clear their Accounts free from Suspicion and Guilt of an Offence, it being Disbursement for Publick Money Accountable to the House Intrusted to your Conduct.

By what you write of the Issue of the Assembly's Meeting for further Supply, the Lower House tends not of Service to His Majesty though so much their own (unless thereby they can Clip Prerogative) 'tis the General opinion here that the Parliament at its Meeting will take Cognizance of the Colonies on such Point, and Give them Authority for ways and means of their own to help and Defend themselves. The Success at Beausejour, Nova Scotia, and Admiral Boscawen's Fleet off Cape Breton, give Spirits to the People here. While the French Labour under Pour L'Honneur Du Roy as they Term it. Admiral Hawke is Sail'd with eighteen of the Line supposed for the Tagno, or off Cadiz the Rout of the French Fleet; If meet supposed will turn to Battle.

The Exact Account you mention of the Inhabitants of the Province will be very Acceptable to My Lord.

I am surprized not hearing from M^r Lloyd in so long time, you Account for not hearing in some measure occasion'd by the Retard of your Letters and of Publick Affairs Arrival here; from the Prodigious Drought, that has prevented the Planters preparing and packing their Tobacco, the Ships that should have Sailed have not been dispatch'd. The Detention of My Lord's money is great Disappointment to him. I have wrote to him twice for his Choice by Remittance. Viz^t If in Specie by a Man of war from Virginia or by Maryland Merchant Ship, giving Prior Intelligence to me as to the sum, for Insurance here; Or else By Bills from the Agents in America on their Correspondents in England the Contractors with the Government for the Payment of the Troops there. His Lordship doubts not M^r Lloyd's justness, But Delay of his Money is prejudicial

to him, he having large Disbursements. And of this Pray Note to him.

I am concern'd for Col. Plater's Death and Occasion of another Deputy Secretary. His Lordship has Signified to me and in Instructions to you his Approbation of M^r Tasker Jun^r to be by me appointed, which I am ready to Do, On the same Conditions I sent and Offered M^r Plater to be by you Communicated. viz. Giving Bond of Indemnification to me for fidelity in his Discharge of the office, paying me £200, p ann by two half yearly Payments, and Payment Directed at once to his Correspondent in London. This you know was my Offer to M^r Plater after Sinking a £100 p Ann to his Advantage from an Office at least deemed £700 p Ann. from it's Perquisites and Advantages. The Secretaries of all other Colonies Commission'd by His Majesty for Life with Power to Depute Deputys, the latter some pay their Constituents pro Rata £800, none under as I can Learn £600 p Ann, having only the Extra Profits as Perquisites to them; Giving Bond of Indemnification, with Security here Given by their Correspondents to their Principals, of whom they receive their Annual Payments. As to Indemnification he may Give it you there, transmitting his Order of Payment to me on his Correspondent in London; On his Acceptance thereof I will by the first Advice from you, transmitt my Deputation to be delivered him. In the mean time on his Acceptance as mentioned you may appoint him.

His Lordship sends you his best Wishes and is pleased with several Accounts and Intelligence to him contained in your Letters. I have delivered your Letter to Sir Thomas Robinson Secretary of State. The Box you lately sent the Papers &c^a by was Landed in the West of England, and came from thence by the Post charged at £14.6.0. The Person who you trusted to pack it, put in five Bars of Lead loose, which so black'd and damaged the Papers, as some of them were not Legible, others Rags being so Tattar'd

I remain with Peculiar Esteem

Yours most Sincerely

Cecil^s Calvert

Post^t By your Post^t in yours of the 19th of April, you desire my opinion, whether his Lordship on ordinary Lycencies; would be averse to Submitting a true State of that Case to His Majesty in Council for a Final Determination. I think he would, It has from Act of Assembly been Acknowledged and Granted, and been taken as a Right from his Ancestors. As to Acts, In 1717—Section The 1st Says. It is humbly hoped his Lordship will be favourably pleased to accept of

Our readiness in laying the Fines proposed on ordinary Licences

2^d Be it Enacted for which Licences (that is to say) for every Licence to keep ordinary in the City of Annapolis, the Sum of one thousand pounds of Tobacco to his Lordship; and at any other Place within this Province, the sum of Five hundred pounds of Tobacco p^r Ann.

3^d Liquors Rated and Tables publickly set up in the most Publick Places of their Houses (if not) under the Penalty of one thousand pounds of Tobacco to his Lordship his Heirs and Successors, to be applyed to a Publick School in the County, to be sued for in his Lordship's name. And on the Penalty of the Exacting more than Rated, forfeit and pay Five hundred pounds of Tobacco, half to his Lordship his Heirs &c^a to be applied as aforesaid, and the other half to the Informer. The Continuance of the Act to 1720.

Sessions April the 5th in 1720. This Act is revived and continued to 1721. At a second Sessions of Assembly the 11th of October in the same year 1720, the said Act was continued in force 'till 1723. And again by an Act in 1723 'till 1726—also by an Act in 1726 to the 29th of September next—'Tis Obvious that in 1664 Charles Calvert Esq^r Governor under Lord Cecilius, did in virtue of his Prerogative Grant Licence to several for the Term of three years. That in 1673 the same Governor Issued his Proclamation Directed to the Sheriffs of the Countys commanding the same Sheriffs to make Proclamation thrô their Bailywick (That the Governor being informed that several presumed to keep Ordinary without Licence therefore) that all Persons that kept ordinarys with Licence or without, should appear Personally before him at his House at Mattapeny the 10th of January next Ensuing and bring such Licence or Testimonials of the Commissioners of the Countys, or else they should be proceeded against as Persons that sell Drink and kept Ordinaries without Licence &c. That in May 1674 a Member of the Lower House moved the House—and upon Debate before the House thereon, It was Resolved to send a Message to his Excellency in whom they said, the whole Power of granting Licences was, to desire his Excellency's Pleasure, If that House should draw an Act—That no Person should have Licence But that he should give Bond to his Excellency with good Sureties to Provide Beds and keep Rules and order. His Excellency sends Answer and assures them for the Future no Licences should be granted but upon the Conditions desired by that House contained in their Message.

From these latter Instances (Extract of Minitts) taken from the present Upper House Journal in their Answer to the Lower House Message sent them, with the Extracts taken by me from the before recited Acts. I cannot Conceive from these Instances that the present Lord's Prerogative is in the least Degree Infringed By the Reference the Lower House would draw from the Act of 1717, By which they hint the late Lord Proprietor they say Accepted of the Fines on Ordinary Licences as a Grant from the People. Therefore cannot help Joining Issue in the same Opinion with the Upper House viz. That if the late Lord Proprietor out of his great Condescension to the importunities of the People thought proper to pass an Act, he did not thereby part with his Prerogative, But rather a Suspension of the Exercise of it (during the Continuance of the Act which Expired in 1726) therefore such Assents cannot Divest the present Proprietor of the Right he has by Virtue of his Royal Charter to his Noble Ancestor; his Right and Condition remaining, not in the least weakened and Infringed thereby. By the Copy of the Lower House's Bill you transmitt For Raising a Supply towards His Majesty's Service, they not only include Fines and Forfeitures but also Licence Monies, is the Prerogative Right of the Proprietor, to be of no Availment to him heretofore knowledged as before Recited by Acts of Asembly &c^a

My Lord observes by the Plan or Chart you have sent of Potomack River, the Roads made by Sir John Sinclair to will's Creek, there is a Fort Built call'd Fort Cumberland; If the occasion of the Times should make it Necessary to Establish it for the Reception of Forces; he desires you'l have Care of his Property if Establish'd. The country contained from Will's Creek to the Springhead of Potomack to the North Line of Maryland, would make a large County; His Lordship thinks it proper it should be done under the Name of Westmorland. As the Western Land of the Province. His Lordship desires I will remind you of M^r Wogan's Affair. I beg you'l Reco^mnd proper Persons to fill up the vacant seats in the Council if M^r Bordley accepts it will be proper he shou^d be one Consider well & make your application on this Subject to my Lord & lose no time therein If you do others will forestal such your Applications.

[Cecilius Calvert to Horatio Sharpe]

London September the 9th 1755

Sir.

Since my last to you of August the 22^d His Majestys Ship the Sea Horse from Virginia brings melancholy Intelligence,

that of the intire Defeat of General Bradock and the Forces on their March to Fort Du Quesne in the Ohio Country; The Loss of the General and Officers killed and wounded from Desertion on the Action by the Regular Forces sent hence, is hardly to be paralleled in History. It seems agreed they Run from the Enemy not seen, and were drove by Fire Arms from a Rabble of Savages and Canadians, Conducted by a few French Officers and Regulars. All Accounts acknowledge Our Officers stood and did their Duty, and had their Endeavours succeeded by Rallying the Men, the latter might have regain'd their Honour, Deem'd lost by Sudden Surprise! Unawares taken by Forces obscure in the woods. The General's conduct is much Arraign'd and not following Advice, the sending the American Provincial Forces to Reconnoitre the woods before him as he March'd; by which means would have Sprung the Enemy and gain'd a good Shot. These Troops is said did their Duty, His Lordship has peculiar Satisfaction therein as they were partly composed of Men from His Province.

By the Conveyance of this Unhappy Affair I received yours of June the 10th 28th and 29th also the 9th of July last, M^r Chamiers in your first I have not heard of. You therein acquaint me with your Receipt of mine of the 17th of March concerning the Carrying the Salt Act next Sessions of Parliament and of which you think a fair Prospect, I write doubtful, and fear it cannot be proposed during this troublesome time; as it Clashes in Interest with other Provinces who have shewn more Regard to the Necessity of His Majesty's Commands than here is allowed Maryland has done. With Respect to M^r Thornton's Induction into a Benefice, there being you say no Vacancy, My Lord desires you'll present him on a Vacancy. The Laws you mention in yours of the 28th passed in the Sessions of Assembly last March and by you sent, I have, His Lordship has perused them and has no Objection. You acknowledge mine of the 7th of April with His Lordship's Scarf to the Reverend M^r Gordon, which you'll take Care to deliver. To what you mention about M^r Hyde's Affair with the late Lord, M^r Tasker has sent me the whole Account, the Contents I am a Stranger to, however here Others knowing: There is Quit Rent due to this Lord which is Considerable, from M^r Hyde who claims the Lands under Powers given him from Samuel Hyde deceased. For this M^r Tasker or M^r Lloyd must gain His Lordship Satisfaction without Delay.

Yours of the 29th informs me of your Receipt of mine of the 16th of April about Doctor Sharpe. I hope you'll not be

Remiss in the Intelligence of a Benefice for him, as 'tis a Mark of His Lordship's Kindness agreeable to my uncle M^r Lee's Request to him. M^r Williamson you mention is arrived to obtain Holy Orders. I've told him as you Express. That His Lordship can make him no particular Promise (the same I shall to M^r Eversfield) until M^r Thornton, M^r McPherson, and D^r Sharpe are Inducted into Benefices agreeable to My Lord's Orders.

I am obliged to you for your delivery of mine of the 17th of March to M^r Lloyd, who has since sent and is received to My Lord's Account, Bills of Exchange, viz. £1531..7..8¼ and £3690..15..5¾. This is far short of the Money I Conceive in his hands to My Lord. he has had several Letters from me from the 10th of December to this time, not only about the transmitting of Money, but with relation to Affairs of Consequence; and of which he writes he is prevented in Answering by Cruel Illness in his Family. I am concern'd he has any Sorrow and Trouble, however think the Punctual Discharge of the office he holds is of such Importance to My Lord; That with the Assistance of his People in whom he must Trust to Act, he might Execute in giving His Lordship Satisfaction, who is Uneasy with relation to his Conduct. It gives me Concern to mention any things to you which is the Duty of Others to acquit themselves of; which I do, not doubting of your regard in General for the Proprietor's Wellfare will Excuse it; As he may receive Advantage by your Noting to them of their Neglects.

By the Inclosed Account you sent, Given you by M^r Tasker and M^r Dulany who hold the Commissary's Office; the Annual Produce is indeed very Low at £240 Sterling. My Brother Edward who enjoy'd in Maryland that office more than twenty years ago, and whose Clerk is here in Office at the Custom house M^r Gibson, Estimates to me the Office then under his Care as deputy, brought in between 6 & 700^t p ann Sterling; Since which the Province is greatly increased with People, from whence might be reasonably Conjectured from the Demise of Persons, the Income of Fees must be greatly augmented in Value. With Regard to this Office His Lordship speaks to you in His Instruction Inclosed of the 9th instant, as well as to many material particulars of yours; therefore shall Close on yours of the 9th of July by way of Virginia, In which you observe as you have done through all your others. viz. The Burgesses Determination to do Nothing either for His Majestys Service or their own Protection, unless the Points for which they have been contending were given up to them. My Lord has Acquiesc'd as to

ordinary and Pedlars Lycences for Reasons only mentioned in his Instructions to you, he thinks it will be proper for you to mention the same to the House of Burgesses. As to the furious Address presented you about the Roman Catholicks, if any reflection they mean to their Proprietor, he holds 'em with Contempt; as his Conscience and Rule of Government being as he really is, sound Protestantism by Law Established. As to what you write that their warmth was increased by some Letters writ some time since intimating that if M^r Hanbury had not prevented it, I would have gott M^r Darnel the Attorney General to a Seat in the Council. M^r Hanbury I have charged with this Circumstance, who denys it and assures me he never thought or said any such thing of me; on the Contrary he knew my Opinion was to get rid of the Attorney General, which is most Certain. If the House could have grounded their Papist Suspicions of him by Facts, His Lordship would not have held him any time; But as you have since your Arrival given Assurances of the Attorney General's having duly Qualified himself agreeable to the Established Law under the most Sacred Obligation of the Oaths required, and that he has Acted conformable thereto, you having no Exception to him; with what Consistency of Justice could My Lord possibly discard him his office of Attorney, who had in no manner violated it. The only Exception against him being, in My Lord's Judgment, that his acquired Abilities in Law are not sufficient for the Executing that Office; therefore has Directed a Gratuity to him for his real Services, with his Orders to you to Remove him as his Attorney by appointing another more proper. For my Part as to Roman Catholicks, I hate no man for his opinion in Religion, be it to himself; the Principles and false Ground and Tyranny of that Religion I detest and have Abhorrence to, and Regard the Church of England by the Law Establish'd the Truth and best means of self Preservation, and to a future State of real Happiness. As to the Raw-head and Bloody Bone of Catholicks mention'd to you, the same abuse was in the Late Lord's time; 'tis the Old trick of Calumny made use of by Crafty Ill Designing men to Cover Ill purposes. The Justices of your Answer thereto My Lord nor none here Doubts the truth thereof.

I have no News to send you Save that of His Majesty's Arrival is daily expected from Hanover. Sir Edward Hawke is on a Cruize for the French Squadron, which is said is Sailed from Cadiz.

By our Papers some French Trading Ships have been taken and Sent into Our Harbours. God send good News

of Success by Sir William Peperel at Neagara and Governor Shirley at Crown Point in America. May all Health and Happiness attend you and the Province of Maryland is the Sincere Wish of him who is with all Respect.

Your truly obliged Humble Servant.

Cecil^s Calvert.

Post^t. With Regard to my Recommendations of M^r Skinner M^r Young or any others I may've done either by Letter or otherways for the appointment of Sheriffs. I desire you'l Act with Respect to such my Recommendations on other than is Consistent to his Lor^{ps} Affair & your own Policy in Govern^t The Persons in General mostly are offer's to me By Merch^{ts} Trading to the Province who to get Rid of there Requests force me to write. As to Philip Young I know him not, you seem to think him Bad therefore follow not my request to you. Your Brother W^m at the Council Office informed me, that S^r Tho^s Robinson Sec^y of State told him that the Roman Catholicks were too much Encouraged as he was inform'd in Maryland y^r Brother assur'd to the Contrary. As 'tis false & groundless, I think you would do well to Justifye the Proprietor & self to the Sec^y I delivered y^r Inclosed to the Earl of Halifax.

To His Excellency Horatio Sharpe Esq^r

[Cecilius Calvert to Horatio Sharpe]

London October the 24th 1755

Sir.

The Conveyance by this Ship, her departure being sudden, I have but time in part to acknowledge, some Contents of yours. viz. July the 15th August the 11th & 30th D^o with one of no date. By yours dated, 'tis a great Concern to read of so compleat a Defeat to His Majesty's Forces by the French & Indians near the Banks of Monongahelia the 9th of July with the Loss of so many brave Officers & Lives, with all the Cañon & Artillery waggons, besides Ammunition Carts &c^a The news of the Defeat must have thrown the People of Maryland into the greatest Confusion, it being near their Back Frontiers. His Lordship approves greatly your immediate Circumspection & Step taken on the Defeat, In calling the Assembly to take Advice & your writing Circular Letters to have the Slaves & Convicts well observed & watched, with your orders for the Militia of the several Counties to be prepared to quell in Case any Insurrection should be Occasioned by the Unfortunate Stroke. The Gentlemen & People Subscribers you Mention for an Arm'd Force for the Defence & Protection of the Frontiers, Manifest their Duty to

the King & Country. Surely Destruction being so near it must awaken & Rouse the Spirit of the Burgesses to Action & Quick Resentment; All being now United under the Fundamental Law of Nature, that of Self Preservation—against a Cruel & unjust Desolation, in all Circumstances. The March of Col Dunbar after his Retreat to Fort Cumberland Surprizes all here! It more particularly Effects My Lord, his Province being in View of the Conquering Enemy, now bereft of Britain's Force sent to it's Protection, gone by his retire with the Troops from the Frontiers to Philadelphia some hundred Miles Distance; leaving Virginia & Maryland to the Devastations of Cruel Enemies, who now have a free uninterrupted Access in the two Colonies, which must Occasion as you Observe the Back Inhabitants of each Province retiring to their Friends in the more Popular Parts Subject to Distressful Loss; But of this his Lordship has some Comfort, your having persuaded several to return Back with Assurances that a Sufficient Body of Troops would be at Fort Cumberland, & that you would take proper Measures to prevent the Inroads & Incursions of any French or Indians by having Parties of Force in Forts to be built. He approves of your Plan at Tonallway Creek & hopes the Assembly will enable you to perfect the Three Forts under the Northern Mountains. Your Proposition for Garrison in each to Patroll from one to the other & to Fort Cumberland and in Case of Alarm to receive the Neighbouring Familys into their Protection, will be I hope very Efficacious. The Forts must be well provided with Ammunition & Provisions, else Provincial Troops will Desert, which I understand from you they have already Done from Fort Cumberland. Your Account of the 13th of August being Intelligence from an Advance Party of Indians, the Scouts of which Party discovered to a Lieutenant sent from Fort Cumberland with a Party of Men; I wish the Intelligence not true, as the Consequence is to be fear'd must be Tragical from a Powerfull Enemy's Arrival at a hidden Bait of Stores undestroyed, left by Col Dunbar at his Camp on his Retreat after the fatal Action, what could Possess him, to leave so tempting a Bait & Beneficial Allure to bring the Enemy near the Provinces whose Inhabitants must be under the greatest Alarm. On this Occasion his Lordship approves of your Removal of the Hospital to Frederick Town, & Trusts in your's & Col Inne's Abilities & Courage with the Assistance of his Province join'd with Virginia, that a Glorious Stand will be made against the Enemy; the only means for Preservation of his Majesty's Dominion, with the Peoples Lives Religion & Property. Col Inne's Dispatch for Assistance

from Col Dunbar at Philadelphia what Availment will be from him, who is feasting of the Shambles & Delicacies at Market in that City so far North, when he should have remain'd in the South where the Action of Battle lays. Pray God Avert the Evil!

The Pensilvania Gazettes inform me what you have before Observed to be true. The meeting of that Assembly meant no Service without wrong to their Proprietors. His Lordship does not doubt of your following & Guarding against any Invasion on his Rights Similar in your defence on his Behalf, as Governor Morris has done for the Proprietors of Pensilvania.

I will take Care to deliver to the Lords of Trade and Plantation the Laws of the Province by you transmitted. To the Question you ask me, How or by whom is the Expence of copying the Laws that are now transcribed to be defrayed, if by the Publick? I think most certainly so, the Command for the Transmission of them is by His Majesty's Instructions. You seem to doubt the Lower House's Admission of the Charge into the Journal of Expences, with what face can they deny? How can any Appeal with relation on the Laws of the Province be Admitted in the Presence of the Lords of the Council, Unless the Laws are sent to them properly Authenticated, either being fairly transcribed or Printed. The Lords of the Council can make no Judgment of Report on any Matter for his Majesty's Determination but from the Laws properly Authenticated, 'tis Persona, individually to every man & woman in the Province that may have Occasion for such Application to the King or the Proprietor; therefore what is to the real Advantage & good of a whole People the Expence must Necessarily be defrayed by the Publick. And 'tis on the Legislative Body to Acquit themselves therein with the Charge paid by the Publick, with Submission I think in post no particulars of that Expence can be Demanded, nor can I conceive how the Lower House can deny Payment incurred for Justice to the People under His Majesty's Commands whose right is undoubted to Ken into all the Laws of his Realm.

His Lordship sends you his best wishes & Service, The Earl of Essex a relation of Lady Baltimore's has requested a favour of My Lord desiring some Maryland Partridges, My Lord desires you will procure him some & send them by the first opportunity; As this will much oblige the Earl his Lordship desires you'll make no delay. He thanks you for your Several Particulars on the Publick transactions in America, though Affairs are at present Unfortunate there,

he thinks himself happy in your Administration of his Province.

I have delivered yours inclosed to Sir Thomas Robinson Secretary of State & yours to your Brother William. Our men of War continue making French Reprizals which in Our Ports are numerable. The French King has released the Blandford Man of War who is arrived at Plymouth, She was taken by the French before any Reprizal was made by our Navy. Invasions are threatened from France. Our Forces are Augmenting with Our Navy. The Parliament is near Meeting, a war is thought unavoidable. M^r Fox Secretary at War is said will be appointed Secretary of State in the Room of Sir Thomas Robinson who is to be removed to another Office; many other Changes in Offices is talk'd of to be at the Parliament's Meeting.

I am with peculiar Esteem
Your Sincere Friend
& obliged humble Servant
Cecil^s Calvert

Post^t. To the Balance due to John Emory as p his Account £59..2..3 I have not at present Opportunity to lay the same before his Lordship, which I will do so soon as I can & of which you shall hear of. My Lord is very uneasy at M^r Lloyd's detention of his Money, he desires you will turn your thought for another Agent to be appointed; I have wrote to him it seems of no purpose, I understand from others he is much out of humour at M^r Charles Goldsborough not being of the Council as he desiring it. Surely it can't be the reason nor cause of his not transmitting the money, thereby laying My Lord under Distress. I have had no Account from him. If he so goes on It will be impossible for me to Support him in the Continuance of his Lordship's favour. I desire you'll frankly tell him of this as from me who am desirous of being his friend. Though tired of writing to him on important Affairs from December last to which he has given me no Answers. I wrote the 9th of September, Inclosed were My Lord's Instructions which I hope will arrive Safe; as it contains his Lordship's Acquiescence to the Ordinary Licences being further Mortgaged as a Loan for the present Publick Emergency, he being only moved thereunto on Account of General Bradock's Defeat. If the Instructions should fail to come to hand, you may safely pass such an Act.

I am extreamly obliged & thank you for your return & paym^t to me by Bills of Ex^a amt^g to £124: 16s. In mine of the 12th of June last I return'd you Protest'd Mary Young's

Bill of Ex^a for £46:18. being one of the Bills you had sent me for paym^t the Person she had drawn the Bill was not to be found, by report gone to Maryl^d I hope you have rec^d mine of the 13th of May 22^d of Aug^t & Sept^r the 9th as they are of Importance with Instructions. You Surprise me at Doctor Stuart's hint to you ab^t the money in the Land Office it being near a year since a joint Judge has been Added so to him. If I had Power, he wo^d n't a been the man I sho^d have directed such Gratuity. You may depend he has no Authority from me for his Ascertainment or Claim. I've rec^d from him the whole paym^t of £100 p^r Ann due to 28th of feb^y last, in w^h was included M^r Young's Deces^d paym^t for each p^d me £50 p^r Ann the D^r was then in Arrears to me however as I rec^d all due from him I desired he would ajust M^r Young's Quota with the Exc^y & th^t from M^r Young's Death until the appointment of another Person jointly with him I shos^d expect the whole of my Return from him this is all in Effect I write. I am sensible the Emergency & Expence a Gov^r is at requires all Aid to Reimburse him his Charges, therefore Credit him not, nor none else that shall at any time say or hint the same. On my part I regard all such perquisites belong in Preference to the Gov^r I wo^d n't let him have a denier

But as Gov^r ajust & reimburse my Legal Demands, Extras. I am sorry you have appointed him to Act in My office of Sec^y as you had done it I have write him word I wo^d allow him 10 p^r C^t until my Appointm^t of Deputy took place. I beg the favour of y^r Inspection by an ajustmt of Acc^{ts} since M^r Jenings Resignation. If M^r Plater did Accept My Ball: due from fees was at £200 p^r Ann. If he did not then all ffees are due to me to M^r Tasker's acceptance, he paying me after as p^r Agreem^t with M^r Plater. As to the Charges for Execution of the business of the office during the Inter space before M^r Plater or Stuart Act'd such Charge I desire may be reimbursed to the Clerk or Person who Acted in the Office.

To His Excellency Horatio Sharpe Esq^r

[Cecilius Calvert to Horatio Sharpe]

London March 3^d 1758

Sir

It is Extraordinary receiving no Answer to my Let^{ts} write you, April the 7th & 10th Aug^t 12th Oct^r 23^d & D^o His Lord^{ps} Instructions mine Nov^r 18th & 22^d 1757 and Jan^y 12th 1758. In Answ^r to y^{rs} Aug^t 25th Oct^r 16th & Nov^r 3^d 1756 & ffeb^y the 4th & 23^d March 24th May 29th June 2^d July 1st Aug^t

1st Sept^r 5th Oct^r 6th & 9th & 30th of Nov^r 1757. The Merch^{ts} Mess^{rs} Russell, Anderson & Buchanan to whom I delivered my dispatches say, safe conveyance must have been to my Let^{rs} by their ships arrival to the Province, that the reason of not having Answers as yet may proceed by their ships late arrival last year. I therefore enter not into particular Detail of mine, trusting all have not lost their passage.

Inclosed is a Copy of the Maryland Charter Exemplified from the Rolls-office. The Cause of being sent is, M^r Boardley Att^y Gen. writes none such of Authority is in the Province to support his Lord^{ps} Rights. My Lord Desiers you'l Deposit it in the proper office of Governm^t attendant when requisit.

Inclosed are Minets of the Proceedings of the Maryland & Pensilvania Comiss^{rs} ab^t running the Due East & West Line from Fenwick Island a Cross the Peninsula to the Bay of Chesopeak & for fixing a Meridian Line on the East & West Line to run up to the 12 Miles Circle off Newcastle North^{ds} as a Division Line of the Peninsula East & West, agreeable to the order of the King & Council in 1685; the East side to the Crown, the West to Maryland. My Lord being Determined to finish Letigation at Law with Mess^{rs} Penn's endless in Dispute De Novo to seek Cape Hinlopen w^h the Maryland Commissioners settled at Fenwick Island & tho' Injudiciously, he being Desirous of Quiet & Peace is resolved to agree to it, & to settle all matters with the Mess^{rs} Penns agreeable to His Father's Articles of Agreem^t However, a Material Doubt arising as appears by the Maryland Comiss^{rs} Whether the East Line from Fenwick Island the West Point shou^d determine on Taylor's & James Islands? lying in Chesopeak Bay. The Pensilvania Comiss^{rs} insist they are not Islands that it is Land to the main Land of the Peninsula: It can be only Determin'd by Depth of Water be^t each Land, if Vessels of Burthen can sail be^t that proved by Traffick or on Tryal under Oath made Evident, then they are Islands. The Land Office must be search'd for Grants concerning How Grant'd? if Deem'd otherways than Islands at any time Grant'd? The Copies of such Grants must be Certify'd under the Great Seal. & all things relative to bear Test in Court of Law. Be please to show M^r Emorey the Plan inclosed, it is delivered My Lord by M^r Paris Attor^y to Mess^{rs} Penns; seems Plan'd in part the runing the East & West Line on the Peninsula; desire him to Certifye if he knows it. & what it is? it has no Seale, his Name's to it joint with the Comiss^{rs} of Pensilvania, Lastly is required that you transmitt a List of proper Persons by Name capable

& fitting to execute & truly to adjust the runing laying & determining the Lines when Agreed here be^t the Parties to be carry'd into Execution & what will be Necessary for that Purpose? My Lord Desiers the favour of no Delay, But that these matters may be by you dispatch'd to him as soon as possible.

The 2^d of Decem^r last, I rec^d a Let^r from M^r Pownal Sec^y of Trade to attend their Lord^p of the Board on the 7th of that Instant, on an Act passed by the Colony of Virginia, for Erecting a light House at Cape Henry & saying, as it appear'd to their Lord^{ps} that the Act may from the Tenor of it be construed to Effect the Interest of the Proprietor of the Province of Maryland & also the Interest of the Inhabitants thereof, therefore their Lord^{ps} will be ready to hear on that Day any thing you may have to offer upon it I return'd Answ^r for the Honour of Notice & wo^d on the behalf of the Proprietor of Maryland attend concern^g the Tenor of the Virginia Act. The Mor^g for Attendance I rec^d a Let^r from M^r Pownal, that their Lord^{ps} had postponed the hearing on that Matter. The Material Objection I had to propound ag^t the Tenor of the Act was, its Effect to the Colony of Maryland under the Legislative Authority Enact'd by Virginia, the Act laying a Duty on all Vessels going in & out the Bay of Chesopeak in Maryland, passing by the Light House at Cape Henry, Subject to a Duty by Authority of that Province; therefore the Lord Proprietor of Maryland hoped their Lord^{ps} indulgence not to concur for the immediate Royal Assent to the Act, without hearing His Lord^{ps} & the People of Maryland, w^h at present the short warning of their Lord^{ps} prevent'd not being furnish'd with proper Defence. That the most early step wo^d be taken to laye before their Lord^{ps} the sense of the Proprietor with relation to the Act, How it might Effect his Right as well with regard from the People of Maryland their Interest. The Utility & real Necessity of a Light House at Cape Henry for ships safety, at the Enterance of the Atlantick Ocean seems truly Usefull to Both Provinces, Equally concern'd. This appearing so, My Lord Desiers you'l recommend to the Maryland Assembly to adjust the affair amicably with Virginia, otherwise tis thought an Act of Parliament will be obtain'd to settle the Difference on a matter so secure to Navigation. If by Parliament done, it is subjecting Maryland to paye a Duty by Proposition from Virginia & may be attended with Subsequent Dutys towards further suppose—on Application only by Virginia. This is of Consequence to Maryland as to Consider, Impost on Traffick; therefore best amicably to

agree & keep the staff of Enacting Laws with regard to private Concerns in their own Power.

It is with Concern I understand by y^{rs} of the 9th of Nov^r that the meeting of the Assembly appeared averse towards granting a Supply to his Majesty. Hope the Event & Issue of the Assembly has proved the Contrary. you write, if the Parliament shos^d take the Conduct of Our Assembly & Neighbouring One & ease them the making Supply Bill, by making them One It wo^d greatly ease the Governors of the Colonies Application for such, But wo^d Subject American Property Ad Libitum to Parliament to Tax, when begun might prove greivous. It must be so, if the Colonies will not show more regard to His Majesty & to themselves in Support & Defence of the Crown. The Poll Tax you mention seems the properest; as the Rich will pay the most & the easiest collected. You wo^d enable me to Speak concern^g by informing the proper Quantum stir^g by Assessment p^r Ann: & under what regulations? such a Scheme wo^d furnish me with proposition to a Minister.

Inclosed is a Duplicate of His Lord^{ps} Instructions the 23^d of Oct^r 1757 ab^t Tunnage Duty on Virginia Ore Vessels &c. You'l give Satisfaction & pleasure To M^r Pitt Sec^y of State by peculiar Corespondence Necessary on all Publick Affairs of the Province & by often doing, he Expects such as a Duty to his Station & office. My Lord observes M^r Lloyd's deficiency not only to the improvem^t of his Land Affairs, But of his remittances to him. He is too Rich to Consider other Concerns, 'tis best he wo^d resign his office, if he would, the Bearer M^r Holliday a near relation of his, One by Education, Honor Sobriety & of good Security renders him capable to supply the office on the Eastern shore Especially as his residence is on that shore, he is likely to settle my Lord's Affairs to Answer & M^r Thomas in the same Capacity resident on the Western Shore. I have mention'd not to M^r Holliday, leaving these matters to y^r better Judgement. Beg leave to recom^d M^r Holliday to y^r favour as well deserving, & approved of by My Lord.

My Lord drops M^r Wogan's Affair & M^r Young's the Latter of being of the Council of State, compliance to neither not necessary at least at present. I sho^d be glad to hear of M^r Boardley's being of the Council. I know of no Objection My Lord has to such Appointment, he is the Only Core-spondent except y^r self of Abilites & knowledge I have—so will be of real service to My Lord's Affairs. Inclosed in mine the 23^d of Oct^r I remitted you a Protest'd Bill of Exch: the drawer Nathan Magruder on Silvanus Grove

Endorsed R. Ridout y^r remittance to me the 29th of May last, I hope the Bill is safe to you. £26: 10^s: 0

The Earl of Loudon is recall'd his Conduct is greatly disapproved, Major Gen^l Abercrombie has the Comd in his stead. Admiral Boscawen is sail'd from Portsmouth Com^{dr} of the Squadron destin'd for America on Board Col. Anstruther's & Amherst's Regiments S^r Cha^s Hardy Rear Admiral has been some time sail'd from Inland with Transports, on Board some Troops destin'd tis said for Hallifax & to wait the arrival of Ad: Boscawen. God send Success to His Majesty's Arms & may all Happiness attend you & Maryland.

Y^{rs} Sincerely
Cecil^s Calvert

Pos ^t M ^r Franklin of Pensilvania	}	M ^r Farquier L ^t Gov ^r of
has as yet brought no procedure		Virginia & M ^r Bernard
ag ^t Mess ^{rs} Penns. He seems		Gov ^r of the Jerseys sail
Groundless at a Loss How & where to begin		soon und ^r Convoy

Pos^t Inclosed are Magazines & decimal Papers of considerable Events, Especially of one Glorious Battle gained by Col. Clive in the East Indies, over Sureja Dowla Nabob of the Provinces of Bengal, Baker & Orieca, assisted by the French; whom he Dethroned and Entered the City of Maxadavad & placed Jaffier Ally Cawan in the Ancient Seat as Nabob of them Provinces. The Sum stipulated by the Treaty to be paid by the new Nabob is computed ab^t three Mills sterling, with Surrender of a considerable Country round Calcutta, Besides presenting the Colonel 300000£ for his own use & of w^h in part he has Actually remitted his Father by Bill value 183000£ drawn on the Dutch East India Company, & is Accepted by M^r Van Neck the Dutch Merch^t resident in England. I am inform'd His Majesty has sent for M^r Clive the Father who is an Attor^y at Law, Wish'd him Joy & thank'd him for his Brave son & was graciously pleased to Express himself with high Consideration for his son & his Services. The Loss of Vice Admiral Watson is much Lamented, he was buried the 17th of Aug^t at Calcutta, was greatly Assistant to Col. Clive's Success. Our affairs are Illustrious in the East, no Laureated Letters from the West. M^r Carrol who has been sometime here, I am told designs by the present Convoy for the Province. The intercourse we have had has not been much. As a Romanist he seems Jessuitical, Crafty & of Tergiversation Subtil, tending ag^t the New Administrators who have been Admitted by the Present Proprietor & have proved them-

selves by real Service. On a Little clash, he took conduct to my Lord by M^r Bladen inter als: to insinuate an Acco^t of his Brother James deceased for money he saye due to him from the late Lord, by Acco^t I understood near Thirty years standing. neither approving his Policy nor Demand I drop'd him, with no concern for what he may say. Y^r several Let^{rs} to Lord Baltimore I have duly delivered him & have pressed him often for Ans^{rs} to you, but so it is, he is always busy at Woodcote & other amusements so taken up that affords him no Leisure to write, he sends you his best wishes. Y^{rs} to y^r Brother W^m I've constantly delivered. I ask'd him if any Answ^r he had I woud Inclose it, he said No. The only safe conveyance of writing to you for the time to come is by the Trade und^r convoy. here's not the least surmise of Peace. The french are cruel Enemies in the Electorate of Hanover destructive of all things, of Life & Property. Tis much talk'd that 200—of our Troops are for Hanover to joyn the Prussians & Electorate Troops und^r the com^d of Prince Ferdinand for whom his Majesty has bespoke a Diamond Sword.

The inclosed Instructions for Executing a Let^r of Attor^y by M^r Ogle with a Let^r from him to me to execute a Deed is the request of M^r Ernst & L^d Baltimore who desiers y^r favour of sending the Papers to the Parties to Execute with return to me soon as possible.

The East India Company have sent their Com^{miss}ⁿ to Col. Clive as Gov^r of Bengal with a Salary of £10000 p^r Ann: He is so rich tis thought no Bait for him. Col. Draper with ab^t 2000 Troops is sail'd for them parts.

[Cecilius Calvert to Horatio Sharpe]

London Nov^r 27th 1758

Sir.

Since mine of March the 17th no safe conveyance has Offered of writing you. I have y^{rs} of Nov^r & 26th of Decem^r the latter in part answ^d by mine the 17th of March, since I have y^{rs} of March, May, June & the 10th of July owning y^r receipt of His Lord^{ps} Instructions the 23^d of Oct^r & my Letters the 18th & 22^d of Nov^r 1757.

To material Circumstances in your's, Inclosed are his Lord^{ps} Instructions Dated the 27th of Nov^r 1758, follows my Endeavours to answer other particulars. Concerning M^r Thomas Rent-Roll Keeper of the East shore. My Lord approves y^r Opinion, his residence on the West shore as most convenient to his meeting at Annapolis the Shiriffs the Farmers of his Rents & the place where the Land Records are kept

& where the Shiriffs on Public Occasions resort four times a year. The Objection of his Non-residence on the East shore rise on Conception of his presence necessary to fix the Rent of Land Tracts; But that you remark is the Duty of the Shiriffs and Farmers who may be charged with the Rents & whose Interest it is to recover Them: However, care must be had that the Rent-Roll-Keepers charge the Rent in the Debt Book, an Omission of Mr. Tyhman late Keeper of that Roll, from whom I apprehend, considerable Loss to the late Lord & the present. Y^r Observation, that the Recev^r Gen^l sho^d be an Inhabitant at Annapolis is Suitable, it wo^d prevent delays of doing business which must happen by his Absence from that City, the Rendevous on all public & private concerns; but at this Juncture his Lord^{ps} thinks displacing him improper as it may occasion discontent, the imbroil of Public affairs of this, my Letter to M^r Lloyd Read & close the Seal to him.

The Affair of Priest Breadnall before the Provincial Court no Evidence appearing you say, the Affair Dropt, Offenders so Accused, My Lord relies & trusts no Person holding Jurisdiction in his Province, will countenance or favour with the least hopes of escaping with Impunity, He deseirs you'l forward home Answers you receive from the Magistrates of the Counties, Ab^t the Roman Catholicks conduct, as it may be necessary to be laid before M^r Pitt Sec^y of State. He approves of y^r Narrative transmitted of matter passing be^t you & the Lo: H. Their Non-Support of the Garrison at ffort Cumberland is amazing the ffrontier actually under Invasion by the Enemy y^r recourse thereupon for fforce by the Militia undoubtably commendable & at a Crisis the only means left with you in defence of His Majesty's Dominion & his Subjects. Your well-tim'd service therein, may prove a Lucky Event; it may Inspire the Militia a fondness for Military reputation & become regulars in defence to their King & Country. My Lord approves & wishes it had taken y^r Proposition to S^r John S^t Clair & to Col: Boquet on their arrival at Congeheigh for making a Road from thence for the King's Troops to March from ffort Littleton in Pensilvania to ffort Cumberland, thence to Virginia; it must have been very beneficial to Maryland as from Protection & by Sale of Corn & Cattle, Troops meeting at that place. Had the Lo: Ho. Enabled you but to a begun the Road, the General's Aid wo^d necessarily a follow'd, as the pass is nearest & not so Difficult as by Ray's Town in Pensilvania to Virginia. The Loss of that point is a real distress to Maryland.

Tis Extraordinary No Journal of proceedings of the Commiss^{rs} that run the Line from Fenwick Island to Chesopeak Bay, you Note M^r Jenings brought it home, that no Copy remains in the Province tis very peculiar no Record there to recourse to on so important a transaction, under Cognizance & Direction of the Court of Chancery, very Remiss in the Commiss^{rs} of Maryland to Subject a Dissolution of Evidence to the unfortunate Articles of agreem^t with Pennsylvania: A Chaos of matter infolded, & many years Litigated at Law, dependant on the late Gov^r Ogle for Evidence from the Province. Large Sums by the late Proprietor paid to the Commiss^{rs} & Expended as by Acco^{ts} of M^r Tasker then the Recev^r Gen^l & brought to hearing in Chancery, there defficient of Evidence, the late Proprietor Non-Suit'd. Thus circumstanced, his Lord^p thinks it most adviseable to Acquiesse to the Articles of Agreem^t of which you will e'r long hear, therefore needless in the Province of further Expen^{ce} ab^t that Line.

I have the Power of Attor^y from young M^r Ogle & have deliver'd your Letter to y^r Brother Joshua Sharpe. M^r Tasker has transmitted His Acco^t with Hyde & Lord Baltimore deceased, tisen't Satisfactory to John Hyde Claimant, he threaten's Suit ag^t My Lord.

M^r Lloyd writes word of a Certain Ric^d Cooper being Convict'd of Man Slaughter by w^h his Estate Personal became forfeited to My Lord Also that Jn^o Vining a Gentleman of Interest & influence being a Prothonotary of the Co^mon Pleas in that part that is call'd the three Lower Counties of Pensilvania, had contrived to have Ten slaves w^h were at the time of Cooper's conviction the Property of the said Ric^d Cooper, Clandestinely carried into Kent or Delaware, where the said Vining lives, Also that the sheriff of Dorchester County one Daniel Sulivane had undertaken of his own accord to sell & dispose of the said Negroes or 9 of them to the said Vining at an Under rate viz. 245£ Pensilvania Curr^y & this with^t any Power or Authority from M^r Lloyd w^h had occasion'd him as Agent to cause Replevin to be Issued for the same; This being in Court some time before matters cou'd be ripe for Trial, the latter End of last Month (Sept) he went up to the Cause & on talking with the Attor^y Gen^l M^r Chew who had the management of Vining's Cause & Vining himself, he brought him to offer 325£ Our Curr^y (w^h is better than Pensilvania money) w^h he thought on full enquiry was the full value of the slaves & therefore agree'd to Accept it. Now the Remark on this Case is, How is it, M^r Attor^y ag^t his Lord^p in a Cause of his Property? As to

the Sheriff of Dorchester County My Lord desires you'll Note Him for Fraud & unworthy of Future service und: him, if this be so. I am at a Loss How to Judge M^r Lloyd, think he is not as I have reason to wish him with My Lord & right to you. He seems of a fretting Discontent, shadow of Lowe triffling Ingenuity. I know not who he likes, he likes not M^r Tasker, M^r Dulany nor M^r Bordley, he consults I understand with M^r Chamberlaine, of whom I am inform'd is not the best, wavering, prehaps it may be to his Age. Reflection wo^d confine his Duty & friendship to My Lord in Gratitude, he has been Honoured & Rewarded well by Both Lords—his services I know none. His runing the Temporary Line bet Pensilvania & Maryland has no Merit 'tis greatly to the Disadvantage of Maryland—he is short of attendance at Assembly Meeting, it wo^d be better he resign'd his Seat in the Council to one more Suitable Excuse my touching the Station only with My Lord & you; it wo^d give me much Concearn to hear a Division in the Council Old & new Members.

I have y^r Duplicate of the 27th of Aug^t from ffort Frederick y^r prevalence on Gen^l Forbes to advance Money for paym^t of the Maryland fforces on the Credit of the Province is an Instance of real Service.

My Lord approves of y^r Questions, propounded to the Council whether they thought the Lower House wo^d recede from the Points they insist'd on & agree to raise Money by any other Mode than that w^h they had proposed.

2^{dly} Whether they would or wo^d not Advice a Dissolution? To w^h they were unanimously of Opinion that the Gentelⁿ of the Lo. House, wo^d never be brought to offer any other Bill than that w^h they had lately done therefore advised a Dissolution. The Controversial Matter on the Modus By Bill for raising the Money is the Mimick of the Pensilvania Assembly refused by the Proprietors of that Colony, & not as yet here, nor can I Learn from the Opponents when or How they will proceed by Compl^t The Copys of the Maryland Bills transmitted, contain Taxes abundant of the Pensilvania System. A Tax on Officers in Office Public is in England, But not upon Officers in private Concern. With what reason can they Tax My Lord's Private Officers? inter als. the Land Office, Receiver Gen^l &c^a with the same parity Why not their Officers of Land concern &c^a the Lo. House can warrant no such Tax from a British Parliament, nor a Tax on Quit-Rent, a smal Rent of Acknowledgment payable by the Tenant of most Manours in England to the Supreme Lord of the ffee, of which right the Proprietor of

Maryland is Lord Paramount upon the Whole. If any Reason can Warrant such Proceeding on the Lord Proprietor Why not on the Purchaser of Lands from him the Lord Proprietor, who hath made Sale of the Land to Others with Reservation to themselves of a Larger Quit-Rent. If reason^{ble} Equitable for Both; in neither Case extent in the Mother Country nor America, Either by Common Law, Civil or Statute Law & I believe in no Dominion or Country Fee Farm Rents are Tax'd in England, But the distinction is considerable bet^t ffee ffarm Rent & Quit-Rent (Treadi Firma) is where Land is Held of another in ffee for so much Rent as it is reasonably worth, or at least to the fourth Part of the value Quit-Rent is a certain smal Rent payable yearly by the Tenant to his Landlord on paym^t the Tenure is Quiet, tis paid in Silver call'd White Rent. Thus I have ventured My Discussion upon the right of Quit Rent, a British constitutional Honoured Property in no time Tax'd ffree to the Landlord. The Lo: House the representatives of Maryland are pleased to Stile themselves High, Similar to the Commons of Great Britain under a Parliamentary Capacity, allow'd by none else but themselves, Quite so; However, as they derive Modus's from Parliam^{try} Proceedings are they to Dictate Precepts, Instructions to Parliament, of Taxes not thought of nor ever mention'd by Parliament; such are Quit-Rents, un-occupied Land & of Officers by Office in Private Concerns, Taxes not agreeable to the wisdom of Parliament, whose Fundamental Principle is ag^t Oppression & Burdening Constitutional Rights; But of these matters, the Bills & the whole proceedings of Both Houses with your papers have been considered & are fairly Stated & laid before the Kings Attor^y Gen^l by whose Opinion My Lord will direct & Justifye himself to his King & Country; the transmission of w^h I hope will Accompany this Packet to you. He trusts & rely's that you & the Upper House of Assembly will be on all Occasions a Safe Barrier in defence to his & all standing Rights.

Of the claim of Col: Henry on the late Lord Baltimore for attending as a Commissioner when the Line was run from Fenwick Island you say, you have rec^d from him a Letter Con^g inclosed to me I have none, you have at times mention Copys of other matters, I have not received, must be the fault of y^r Sec^y I do not Understand why M^r Ross transmits Copys of part & not the whole proceed^{gs} of Both Houses, on Controversy it will not Do here by any means, tis Exparte Information.

M^r Lloyd in His Let^r of Aug^t the 30th says, he is disag^{bly}

treated by M^r Hedges, M^r Rasin & M^r Millignan; whose neglects makes short Remittances, Especially the last, who not only Neglects to make Remittance of the Money He or those he has employed has rec^d but insults him for pressing, as in Duty he ought, his Compliance as to paym^t with his Farm Contract. My Lord desires you will inquire into the matter of the Compl^t with such Notice to the Parties Charged, that they may make Suitable Redress to him, as well of good Behaviour to M^r Lloyd.

The Proposition of a Poll Tax you inclosed on the Taxable Inhabitants is by all here disapproved, at the rate of Tax calculated at twelve shillings p^r Poll Rich & Poor. Lady Baltimore died at Woodcote Park the 18th of Aug^t Y^r Letter to Lord Loudoun with others are delivered. My Comp^{ts} to M^r Daniel Dulany on his promotions, his & M^r Bordley's knowledge Accounts. Others have Merit, why not M^r George Stuart? he seems the only one that can Carry an Election as My Lord's Friend, & as so, tis write from the Province he'll be turn'd out right or Wrong; However is it not the time of Choice of an Opponent from the Lo: H. as a continuance of Proof that what they aledge is not Real, But in view of taking the Loaves & fishes. On closing I have Coll: Henry's Acco^t its return'd you with directions of My Lord for paym^t my compl^{ts} to him & am glad as an Instrument to his Service. May all Happiness attend you

Y^{rs} Sincerely
Cecil^s Calvert

To His Excell^y Horatio Sharpe Esq^r Lieu^t Gov^r in Maryland.
Decemb^r 5th 1758

Pos^t I wo^d write you News if I could say Certain, that I may not totally be deficient is inclosed you, Magazines & other Public Occurrences. At all the Counties & Burrough Towns in Great Britain have Address'd his Majesty on the Success of His Arms the important Events of this Year. Y^r Bills of Exch. in y^{rs} of the 10th of April & 14 of May I much thank you for. I have been with M^r W^m Hunt Merch^t of Gold Square near Tower Hill he show'd me his Acco^t I find him & in the Name of the other Trustees is vest'd the sum of £19500 Bank Stock & to be laid out in his hands £6545: 16 dividends of the said Stock, all arising for the use & paym^t of Bills of Curr^y agreeable to Act of Assembly in 1734, the Act he has not by him, but no doubt of such an Act. The Trustees with M^r Hunt are all Dead, he is the Only Serv^g I think proper to Acquaint you thereof, that the Legislature of the Province may take such Measure of Ap-

pointment of such other Trustees Necessary with Him, & they must take real care who they Trust M^r Hunt is Age'd the transaction has been all done by himself, had it falen into the Hands of Sam^l Hyde or M^r Crockshank's Trustees as they were Bankrupts the Province might have been short off. M^r Hunt recomds the Mess^{rs} Hanburys Sufficient People. The Ship sailing, Not being able to Obtain from M^r Attor^y Gen^l his opinion concerning the Maryland Controversys of Debate w^h will not be had till after Christm^s Occasions My Lord's Resolutions thereon postpon'd, so soon as Obtain'd Mess^{rs} Penns & he are to have a meeting for an agreed Instruction to each Province, The Merch^{ts} on Change make great Exclamation ag^t the L: H. attempt of Oppression by Tax Effecting them. No dispute a Tax on Lord Baltimore's Manors & reserv'd Lands to be Taxd, But a Tax on his Quit Rents, he has a peculiar Exemption, for in the year 1651 an Express Law passed (as I am informed) by which it was Enact'd, that all Charges arising from time to time by defence of the Province ag^t any Invasion or any Emergency or ag^t any Domestick Insurrection or Rebellion ag^t the Publick Peace or the Govern^t Establish'd under the Lord Proprietor & His Heirs Lords & Proprietaries of Maryland, sho^d be discharged by the Inhabitants thereof. This Law to the Purpose of Exempting Lo^d Baltimore's Quit-Rents is in force Now, for in the Repealing Act of 1704 there is an Express saving of all claims under the former Acts & no other Act can be pretended to Effect the Act of 1651 2^{re} is this Act among the Acts of Assembly return'd to the Board of Trade, if not send it. Its required by Law Young M^r Ogle's Age not mention'd in the Papers sent. The year near closing No returns from you half a year to me S^t Michael last.

P. Some Months ago an Article was put in the London Chro: that the Supply was not grant'd in Maryland by reason the Proprietor Estate was not be Tax'd the answ^r pub^d that it was void of truth, That his Landed Estate was Tax'd in Equal proportion with His Tenants Upon w^h a reply was publish'd of Queries Impertinent & ridiculous not worthy answ^r tho' easy of confute I mention this as I suppose it will make an eclat in Maryl^d The supposed Author is M^r Franklyn by corresp^{dt} from Mary^{ld}.

[Cecilius Calvert to Horatio Sharpe]

London March 17th 1759.

Sir

Inclosed is his Lord^{ps} Instructions of this Date Rece^d yo^r Copys of Depositions relative to the passage of Vessels thro'

the sounds that Divide Taylor's & James's Islands from the main Land; By the Land Patents they are deemed Islands, But of this, I write you My Lord's determination with Mess^{rs} Penns Novemb^r 27th Your Transmission of the Copys of the Journals of the Assembly the 28th of March last I have M^r Sec^y Pitt's Lett^r in the Journals dated the 30th of Decem^r 1757. The Tenor thereof Certify's great goodness tender'd by His Majesty, for Vigorous & extensive Efforts to Avert the impending dangers on North America the Sincerity of his Let^r is so very Expressive as to have no doubt but that the Marylanders wo^d Joyfully have embraced the opportunity of distinguish^g themselves for His Majesty's Zeal in Defence of his Dominion & themselves. Notwithstanding the Journals relate much Altercation on that Subject upon a Bill from the Lower House sent to the Upper, of w^{ch} on Clauses in the Bill upon deprivations of Rights, Inter als concerning L^d Baltimore the Upper House reply We conceive that by the clear words of the Charter the appointment of all Officers Civil & Military belongs to L^d Baltimore for further Satisfaction on this Point they Add, the Opinion of L^d Chief Justice Wille's when Attorn^y Gen^l whose opinion is, That by the Charter of Maryland the Lord Proprietary hath a Right to nominate all Officers Civil & Military They observe if the Charter did not determine this Matter in favour of L^d Baltimore, they wo^d not suffer their Estates to be Tax'd by Officers deriving their Power under the Sole Nomination of them, who wo^d naturally think themselves peculiarly Accountable for their Conduct to that House And Exemplify the improprieties of the Bill on his Lord^{ps} Private Officers, words vague & undetermin'd, not Sure ag^t Complaint or Even a prosecution however Exact they might be & under Penalty £200 with^t Reward near the same proved on the Publick Officers & set forth the unreasonable Power the Lo: H. Assumes, to be sole Judges of the Allowances to be made to such Persons as have been put to an Expence in providing Necessaries for his Majesty's Troops in their winter Quarters, A Power unpresident'd Object to the double Tax on non jurors as the Effect to Banish them from the Country, ag^t the Principle of Justice & Policy & ag^t an Assembly Act for an Limited Toleration of all Christians in 1640 Obj^t ag^t a Tax upon all Commodities imported into the Province from England (ive.) the Manufactory of the Mother Country Obj^t to a Tax upon uncultivated Lands yeilding no profit. Because such a Tax wo^d fall upon the Real & Personal Estates of the Owners yeilding a Profit, wh^{ch} are otherwise tax'd by the Bill Obj^t to the Power to the Tenant to Restrain

or to Retain 1^s out of every 20^s Rent to be Estimated upon a Presumption on the sum wth the ffee simple wo^d sell, to be determined by the Assessors imaginary Annual Value Obj^t to a Tax upon ready Money in hand not just or reasonable & subject Even to Domestick Serv^{ts} to Rapine " Agree to the Tax of the Proprietors Manors & Reserved Lands But Obj^t to the Tax upon his Quit Rents as ag^t an Express Law of Maryland in 1651. Enacted.

That all Charges Arising from time to time by defence of the Province or the Govern^t Establish'd herein & under the Lord Proprietary & his Heirs Lords Proprietaries of this Province shall be defray'd by this Province by an Assessment upon the Persons & Estates of the Inhabitants thereof which Method of Assessm^t is further Explain'd by an Act in 1661 to be an Assessm^t p Poll according to the Usual Custom of this Province observe that the Men on Service ought to be left to the Comand^r in Chief. Obj^t to the Proviso as absurd to Subject the Effects of the Supreme Magistrate to Distress & Sale & his Person to Imprisonment the Objections of the Up^r House to the Bill are too numerous & Extensive to set by Let^r The Stability of their Objections are support'd & defin'd by Cogent Reasons in Law & Equity, so really undeniable as admits no Contradictⁿ The whole Bill from the Lo: H: is unessay'd & repugnant to the Usage of the Province, Multiplying offices, an attempt to strip L^d Baltimore of his Right of appointm^t of Officers ag^t the Origin Constitution and Corresp^{dt} usage of the Province & to Vest such Power in the Lo: House, an Attempt fruitless as the Upper House observes, & wo^d be unjust & co^d tend only to an Unsettled & turbulent state of things, the Baneful Consequences of Disunion. It is too vexatious to Enumerate the Reply of the Lo: House in Gen^l & then to Comment. However, touching the Laws mention'd in 1651. & the Poll Tax in 1661. they say The Laws w^{ch} you mention being long since repeal'd, we shall not at present take any notice of them. Why did not they? why, because that in 1651 to the Proprietors is a Noli me tangere, a Law Exempting from Tax Lord Baltimore's Quit Rents, Now in force Even in the Repealing Act of 1704 there is an Express saving of all claims under the former Acts. No act to effect the Act of 1651, if there were, they wo^d have noted it. Again their Stretch of Compl^t to Tax his Quit Rents, they say, because the Proprietor has alter'd his Conditions in Value of taking up Land pro rata why not Tax Quit Rents they have Grafted & advanced on Lands they sell, they had of the Prop^{rs}? prove Quit Rent tax'd in England & Defeat the Law & Equity his

Lord^p has to Controvert a Tax on his Quit Rents, a Mite payable to him, w^{ch} can't be thought by any one to be Render proportion'd to the value of the Lands. Especially exempt'd from Tax by an known Law of the Marylanders fore-fathers in 1651. thus they Charge in the Proprietor with unjustness aim'd at him, with^t cause & contrary to real Right he sets up no Right or advantage but his real Right & conscienciously exercise's his share of the Govern^t with Candour, agreeable to His Sovereign & the ordinances of his Realm. Rests his Power by Royal Charter as also his Rights & by Provincial Law Confirmed. Rights he cannot & with resolution just will not part with, or Suffer to be infringing'd or be deviated or purloin'd from him. He is much Obliged & desires you will acquaint the Upper House wth his Thanks for their just defence they made on his Behalf & the Province ag^t the Bill & ag^t Injury, Perplexity & confusion, & of w^{ch} he trusts they will be Steadfast therein.

Concerning y^r Question propounded to the Lo. H. viz. Do you Insist upon the Naval Officers collecting under the Act of Assembly made in 1754. For His Majestys Service the Duty of 20^s p head on Convicts transported by Virtue of the Statute or do you not? To w^h they reply we do insist & shall till better reasons than hitherto offered induces us to Alter our opinion Relative, M^r Pratt Attor^y Gen^l opinion is transmitted to M^r Bordley Attor^y Gen^l in Maryl^d & Naval Officer at the Port of Annapolis. He says, That the Duty on Convicts is Repugnant to the English Act of Parliament, and "inconsistent to the Rights & Priviledges of England" says If the true meaning of this Law is to Extend to Convicts I am of opinion it is void. says I am of opinion that "the Naval officers Bond in England wo^d be forfeited if they "exact this Duty under the Maryland Act or refused to "Enter the Ship & sign Certificate and says It is not reasonable but as the Naval Officers will Certainly be cast in "Maryland if those Bonds are put in Suit & they unavoidably "be put to considerable Expence w^h cannot be repaid Even "tho' the Maryland Judgement should be reversed here I "think the Naval Officers ought to Present a Petition to the "Council Board or to the Treasury praying Relief for this "case is of a Publick Nature that concerns the Laws of "Trade of England & the Naval Officers are reduced to this "Delemma he must forfeit his Bond in one Country or the "Other." Copy

What a Delemma is here Convicts no word of the Act, a word construct^d by the Lo. House after If the Provincial Courts give Judgm^t Duty on Convicts, may not such Judgem^t

by the Superior Courts of Law here be adjudged, Extra Judicial not the Letter of the Law Enact'd all concern'd must nicely steer to avoid the shoals & Sands that the ship splits not on the Rock, the Channel seems clear by the Lo. House being convinced by M^r Pratt's better reason in Opinion of Law, inconsistent to Levy the Duty on Convicts, and taking other means to repay the insufficiency of the Act for that purpose. My Lord recommends your serious Consideration thereon with the Advice of the Upper House. L^d Chief Justice Mansfield's Observations sent & the opinion of M^r Pratt's Demonstrates, that an Act of Parliam^t is Similar to a Diamond, not to be touch'd, but by its own Power.

My Lord has rec^d a Let^r from John Jackson Esq^r of Ireland wherein he says "I understand that M^r Edw^d Mapother is gone to England to treat with y^r Lord^p ab^t an Estate Grant'd by one of yo^r Lord^{ps} Predecessors to George Talbot Esq^r Thirty two Thousand Acres of Land in Cecil County in Maryland" He opposes the Treaty of the said Mapother, says, Col. James Talbot made a Will in 1729 at Barcelona in Spain, Left his Estates to His uncle Edw^d Crofton of Longford, who made over by Deed to his son James Crofton, Jam^s Crofton to his Children says that Mapother come to the Deeds Relative to the Interest in Maryland by the Death of an aunt of his, who died at his House & who Stole them from her Brother James Crofton, that there are two Sons of James Crofton now in his Majesty's Service in America & that the Execut^{rs} of James Crofton intend to file a Bill ag^t Mapother My Lord has not ans^wd the Let^r a M^r Kelly with another has been with Me, they seem'd by style the stamp of Kilkenny, I can't Rehearse their Discourse of claim, in short I told them that the late Lord Baltimore had Seisin by Law the Estate in Maryland on forfeiture by Acts of Rebellion of M^r Talbot in 1715 or 1716, that Persons claiming had filed a Bill in Mary^{ld} to recover, that a copy of the Act of Rebellion ag^t M^r Talbot certify'd by the Commiss^{rs} of forfeit'd Estates & delivered to the Guardians of the present L^d Baltimore had been sent to make good the late Lord's Seizure. Hah! by my Soul says M^r Kelly, it will be difficult to prove it to be the said M^r James Talbot the Person Guilty. "I told him the Negative was with him & his friend that he was not, that I was no Lawyer, however the Act of Rebellion was proof for the Late Lords Seizure." By my Soul says he if then? it belongs to the Crown I reply'd be it so, It belongs to L^d Baltimore as of Right to him by forfeiture to his Charter, he standing in Maryland in the Crowns shoes. After much altercation I told them, I wo^d write to the Gov^r to know how

stood the matter & wo^d acquaint them when rec^d On this affair you have His Lord^{ps} directions in his Instructions to you Novemb^r 27th last, it is hoped will perfect this affair to my Lord. He desires the Earliest acco^t for his answer to the parties here Claimants great care must be taken of the Copy of the Act of Rebellion sent to Maryland as occasion may be had for it here & if a copy of that in the Province will serve all purposes there, it will be best to return that sent, If not a Copy of that, return'd Authenticated.

I have had another Summons from the Lords Commiss^{rs} of Trade & Plantation concerning the Act passed by his Majesty's Colony of Virginia in 1752 for Erecting a Light House at Cape Henry. Their Lord^{ps} desired to hear if I had any thing to offer upon it. I said Lord Baltimore's Objection to the Act was, if the Act from the Gen^l Tenor of it is intended to Effect Him as Proprietor of Maryland & the Province by a Law of Virginia, they asked Whether a Light House at the Cape wo^d not be of Utility & advantage in Navigation to Maryland? I said, I was not furnish'd Sufficient to answe^r it depending on the Judgment of the Marylanders & the Merch^{ts} trading to the Province, thereupon they directed Me for Maryland & M^r Abercrombie for Virginia to consult the Merch^{ts} & others Principally concern'd in the Trade & shipping of those Colonies, to the End, that if they shall agree in the advantages w^h the Trade & Navigation of Each Province will receive from such a work proper Measures may be concert'd for erecting & Maintaining it at the joint Expence of the Provinces, since their Lord^{ps} say in their Representation to the King's most Excellent Majesty on the s^d Virginia Act, the Act being of an Extraordinary Nature there. being several particulars in (w^h their Lord^{ps} Observe) the Act, is defective amongst others, Besides these defects, it is liable to one Objection which alone appears to us to render it unfit to Receive your Majesty's Confirmation & Allowance For the Duty of Tonnage being laid in general on all ships & Vessels going into or out of the Bay of Chesapeak would be Tax'd by the Legislature of Virginia to whose Authority the Province of Maryland cannot by the Express Exemptions of it's Charter be in any case liable"

"For this Reason We think it necessary humbly to propose that your Majesty wo^d be pleased to Declare y^r Royal Disallowance of the s^d Act"

I have acquainted the Merch^{ts} of Maryland with their Lord^{ps} Requisitions to Me concerning the Light House and have for answe^r at their meeting, In general agreed that one Light House on Cape Henry would be worse then none, for

at the time of year that Tar is made, the Light Tar Kiln might be Mistook for the Light House & thereby be the means of sundry ships being Lost & two Light Houses wo^d be a much greater Expence then their Utility wo^d be worth, therefore the Merch^{ts} declin'd any Expence about it, if solicited at the Publick Expence, the Merch^{ts} will apply to get the Duty laid on ships and Goods Be pleased to favour Me with the opinion of Maryland, I then shall be Sufficient to make report to their Lord^{ps} as by them Directed.

M^r W^m Hunt the only Surviving Trustee in England has on searching his Papers found the Paper Curr^y Act, empowering his Lord^p to appoint & fill up on vacancy the Trustees. My Lord has approved of the Mess^{rs} Hanburys for that purpose. I give you & Maryland Joy on the Success of Gen^l Forbes, the gain of Fort Du Quesne & hope all apprehensions in y^{rs} of the 3^d of March are ceased, and that the Province enjoys Safety, the Enemy being far off. My Lord is sensible & with thanks to you for your services at ffort Frederick & Cumberland Last Year. Y^{rs} of the 28th of Nov^r surprises, the Circumstance of the Lo: House declaring No Alderman of Annapolis had a Right by their Charter to Vote at the Election of Representatives for that City. The Charter granted by Queen Anne warrants no such procedure. Declarative, in opinion here, an nonentity to the real substance of our constitution, what disqualifye Chief Magistrates of Essential Right & even with^t cause. they can't mean a Scire Facias ag^t the Charter, the Royal Charter Excludes not in Bar the Alderm^s Vote. My Lord approves of y^r proroguing the Assembly thereupon to avoid dispute & giving time for better Understanding. You speak of a Continuance of the Inspection Tobacco Law, w^h you think the Upper House will pass; it is hoped they will exclude the Statute of Queen Anne being Effectuated, for the Regulation of foreign Coin, if not, by the Attor^y Gen^l Similar opinion in this Let^r on Act of Parliam^t 'tis to be presum'd he will advice a Dissent to that Act. To y^r mention of the Vote of the Lo: H. for complying with what Gen^l Forbes askes to support 300 men during the winter. If they mean the Service of them. Men is to be restrain'd to Fort Frederick it is a most absurd proposal, as Limitation to the King's Com^{dr} in Chief to the Proprietors Com^{miss}ⁿ to you, Prerogative's not Restrained by them. if they mean as you say That no Money is to be raised unless the Gentⁿ of the Upper House will agree to the Mode of Taxation to w^h they have so often signified their aversion, if so, the construction on the Lo. House is here, that they preclude doing in common in defence & Support of their King &

Country ag^t the danger of the Enemy, a resistance of inseparable Duty of all Subjects annexed in Support to the Sovereign Power. The Lo. House say they are Representatives of the People, No Doubt, But at the same time they can't but know, That the King, Lords & Commons of Great Britain is the Parliament of the whole Realm, & will not suffer their Provincial People to disobey, alter or lay imposition contrary to Parliamentary Statutes, or to clip the King's Prerogative: Or that Lord Baltimore or the Power of his Royal Charter will Submit or that it is reasonable either in Law or Equity that the Upper House sho^d by attempt coincide with the Lo: House to abrogate the Proprietor's Law made & Confirm'd to the Lord Proprietors by the Representatives & the Assembly of Maryland in 1651. or that that House will coincide with any Power Contrary to the Establish'd Laws of the Realm or of provincial Right Confirm'd to the Proprietor in 1651, mention'd in this Let^r the L. H. may by proceeding ripen things to the Superior Judgm^t it will be on them the Consequence, No injustice is offered ag^t them. If the Mess^{rs} Penns consent to a Tax on their Quit Rents, their Drift said, is a Job to exclude other Tax more Effecting them. His Lord^{ps} Gift of ordinary Licences his Right by His Ancestor Lord Cecelius, extant in the Province in 1664 & 1673 the Lo: House in 1674 after debate thereon by a Message to the Hon^{ble} M^r Charles Calvert the then Lieut Govern^r his Lord^{ps} son they Allow'd the Right in him to grant Licences, & By Act of Assembly in 1717. Enacted all Ordinary Licences a £1000 & 500£ of Tobacco to the Proprietor Penalty a 1000£ Tob^s to the Public Schools &c^a & so by Acts continued till 1726. the Origin right then reassum'd to the Proprietor. His Lord^{ps} Gift of Tax on His Manors & Reserved Lands & His Gift of Barel^s of Gunpowder & Ball. these Instances, his Lord^p says, he thinks he has real reason to Assert his Support to His Majesty ag^t the Enemy and in defence of his Province being Voluntarily Imposts by him Given, & of w^h he is clear off from all Charges specify'd by Act of Assembly in 1651. May all Happiness attend you & the Province.

Yrs. truly
Cecil^s Calvert

Post^t A most Base & wicked Conspiracy has been attempt'd & Detect'd ag^t the King of Portugal's Life. The Duke D'Aviero & two Assassins with Blunderbuss's, the Duke's Missed, the others fired thro' the Kings Coach & wounded him, in the Arm this was on the 3^d of Sept^r last. Conspirators have been Execut'd on the Key Belem before

the King's Palace Viz. The Marchioness of Tavora Beheaded. Her son Joseph Maria on St Andrews Cross strangled & his Bones Broke, the Count Attongnia & the young Marquis of Tavora served the same as also the Duke Aviero & the Marquise's Serv^{ts} the same. Then the old Marquis of Tavora broke alive on the wheel & the Duke D'Aveiro Grand Master of the King's Houshold Broke intirely on the wheel. then Carpenters fix'd two stakes, one of the Dukes D'Aveiro's Serv^{ts} that had shot at the King was chain'd to the stake & the Effigy of the other not taken. the Bodies executed were uncovered, the whole was set fire to & all consum'd together & the Ashes thrown into the Sea. Several accused remain in Prison Marquises, Bishops, Counts &c^a & Jessuits the Latter are Supposed the Chief promotees of the intended Assassination. The Earl Marshall by the Intercession of the King of Prussia has obtain'd the King's Pardon. The Success of his Majesty's Arms last year Louisburg, Isle of St Johns, Frountenax & ffort D'Quesne in America Senegal & Gorce in Africa, if Our sucesses are this year Equal, All will be over with the French in America Daily is Expect'd here an Acco^t of the Expedition to Martinica or Guardulope. God Grant Sucess & the means to us for an Hon^{ble} Peace the King of Prussia stood his Ground well last year. Our Parliam^t has Grant'd him Large Supply. His forces are greatly Augm^{td} as also Our Army of Observation under Prince Ferdinand in Germany. the french tho' double in Number dared not attack them last year. I am much obliged to you for y^r Bills inclosed in y^{rs} of the 3^d of Nov^r Y^r Broth^r W^m Sharpe is married to a Widow M^{rs} Sands, they have been Long Admirers, are now together for Holly Use, tis rather too late. The Tobacco Trade have had a Message from the Administration of 2^d a pound on Tobacco for raising the supply in p^t this year 'tis comput'd it will raise 100000£ p^r Ann. tis to be laid on home Consumption Manufactor'd Tobacco. Excise on Tobacco is talk'd of, But the Merch^{ts} tell me they think that will not be, they are offered to deliver the Plan the most suitable for the raising 2^d p^r Pound, they strive to have it but a penny p £: the other penny on Sugar, by what I learn it won't do. March 10th the Commons voted 1^s pro Rata value Ste^g p^r £ on Tobacco, Sugar, Storing Linnen & dry Goods an Additional Fund for the raising the Supply this year, the Duty on Tobacco home Consumption, Cap^t Townshend Aid De Camp to Major Gen^l Hopson is arrived from Bassetene in the Island of Guadalupe. By the Gen^{ls} Letter to M^r Sec^y Pitt the 30th of Jan^y it appears the 22^d of Jan^y Comod^{re} Moore & the Gen^l with the Fleet & Troops Besieged Bassetine & after severe

Cannonading they silenced the Land Batteries, Landed the Troops & enter'd the City not annoyed by the Enemy, the Gov^r Inhabitants & Negroes, having retired into the Mountains, great destruction to the Houses & Goods. The Journals & proceedings of the Assembly & all the Public Papers of the Province have been before the Attor^y Gen^l deliver'd him before Christmas, the Multiplicity of his Buisness has not afforded him Leizure to his answer to My Lord relative he promises soon it shall be & that he will make Amends in his Correct Care of his particular Answer, w^h I will transmit you by the first Opportunity. My Lord has Considered on the Petition of the Mayor and Recorder &c^a Presented you by the Corporation & City of Annapolis he says the Circumstance of the Case is Extraordinary, he bids Me acquaint you & that you will at proper time make known to the said Corporation, that he will support & defend the Corporation in all its Rights & Priviledges agreeable to its Royal Charter. the Attempt upon the Charter is no improper Instance, first for the Corporation to Appeal to the Proprietor with Remove of Appeal to the King & Council for Redress, it will open who are the oppressors & that infringe & violate Rights & Priviledges the proceed^s is to be Avoided if possible, if avoidance can't prevent, My Lord must support & maintain the Action of Defence & Appeal. here is a Report that the Maryl^d Assembly has Laid a Duty on Iron Bar. Persons have been with Me I told them I knew of no such Duty. I ask'd, what if then it was? they said it wo^d be great discouragm^t on the Infancy of a Public Good. I have a Petition to you from My Brother in Law Christ^r Crouse of the County of Yorkshire, on Behalf of Joseph Nicholson in Chester Town Maryland. who prays, the favour of being Appoint'd Sheriff Officer on a vacancy, if you think him sufficient. Y^r Choice of him will be gratefully Acknowledged by Y^r real H^{ble} Serv^{ts} here. My Lord desiers you'l transmit an Authentick Copy of the Law of 1651 & Poll Tax in 1661. I have try'd to prevail on My Lord to support the Charge in Case of Accident relative to Contention that may happen to the Naval Officers Con^g the Levy of the Duty on Convicts, he says he will not, That the Act & its Letter stand on its own Basis. It has been with difficulty the raising the 6 Millions & half this year for supply at 3½ p^r 6^t 3½ p^r Cen^{ts} at 85^{dist} discovers the Money Lenders next year will have advance Interest at least 4 p^r C^t Avoid all Appeals from the Province, Maryland has no favour in the Eye of the Administration. I'm told M^r Hamilton of Pensilvania is appoint'd Gov^r

[Cecilius Calvert to Horatio Sharpe]

London Sep^r the 6th 1759

Sir.

Y^{rs} the 4th of June & Packet rec^d Aug^t the 26th which I have communicated to his Lord^p & you have inclosed his consideration & Direction thereupon. He says, 'tis to his Surprise! in the Journal Leave out the word Protestant Alien, a Syl-
lable on the Occasion he will abide by. the Affair of Milligen & Lloyd he rests assured of Your rectitude & decernment of their Bickerings; the Latters conduct, he disapproves much his remissness of Essentials. He requests your consideration with his Judges of the Land Office & the Surveyor of Frederick County to lay out and Run a Survey of about Ten Thousand Acres in one Manor or devided into two under the Title of Frederick if two Litchfield. this disposition of Property, he desires Your care that it be of the best Land for him & near as can Water carriage with Accuracy Planed & a Copy thereof returned him from the Land Office. Before the receipt of Y^{rs} April the 20th his Lord^p had appointed Mess^{rs} Caple & Osgood Hanbury Trustees, joint with M^r Hunt agreeable to the Act of 1733 & 1753, For Emitting £90,000 Current Money of Maryland: he has no Exception to M^r Anderson, M^r Hunt is aged, on his Demise he will be appointed; I have sent to the Trustees for an Exact Account concerning, on receipt will be forwarded to you to lay before the Assembly.

I have not time to write to M^r Lloyd Rec^r Gen^l Be pleased to Acquaint him his Bills of Exch^g amt^g to £1361..17..4¼ £668..8..2 £48..1..5 are carryed to his Lord^{ps} Account.

Inclosed Public Events, the King of Prussia near Franckfort on the Oder the 12th of Aug^t by Battle between the Imperial Army of Russia under General Count de Soltickow joined by a Large Detachment of Cavalry of Austrians from Count Dann, over Powered by a Mass of Troops meet with Severe check, tho' his Loss is thought considerable, yet the Enemys is more Considerable. His Majesty had two Horses shot under him, his Behaviour as usual Magnanimous; he is Encamp^{ed} near Berlin, God send him Success. I have write to you since Christm^s under care of M^r Perkins, Merch^t and his Lord^p the same inclosed the Attor^y Gen^{ls} opinion under care of M^r Lee Brother to M^r Lee of Potomack whose departure was on Board M^r Russels Ship last Feb^y of these Let^{rs} tis hoped soon the hearing from you

Pos^t M^r Hamilton is appointed Gov^r by the Y^{rs} Sincerely
Proprietors of Pensilvania. Cecil^s Calvert

Duplicate the Original sent by the last
New York Packet

Sep^r the 20th 1759. Sir I have but time to acknowledge both y^{rs} of the 13th of July owning y^r receipt of his Lord^{ps} Instⁿ & Let^r dated the 17th & 30th of March with the Kings Attor^y Gen^l opinion as well as My two Let^{rs} to you of the same time. the Circumstances of Talbot Manor will be very Acceptable. Y^r Intentcons to M^r Nicholson, his son is with thanks rec^d by his Friends. Gov^r Denny's Character is impeach'd here, his gain may want a Sear Cloth to his Honour & Conscience. The Successes by Conquest of General Amherst, Ticonderoga & Crown Point & S^r W^m Johnson of Niagara are Glorious Events & Crowned by Gen^l Stanwix destroying all their fforts on the Ohio bet: the Mongahalia & the Erie Lake will Effectually rout & clear off the french South^d & give Peaceable Quiet to Maryland. By this opportunity I have answered M^r Dulany's Let^r the 26th of Dec^r rec^d the 14th Instant. His Let^r is Obliging & of kind applause of you I have said nothing of his Protest, have returned him his Lord^{ps} know^l ab^t Aliens. Extracts taken from B. Naturalization Bill with some Observations of y^{rs} strengthening the same but not from you or B. Major Gen^l Amherst is appointed Chief Gov^r of Virginia in the Room of the Earl of Loudoun, the Marquies of Granby L^t Gen^l of his Majesty's Forces to the office of Ordinance & Col: Walgrave col. of the Queens Regim^t of Dragoon Gerards Both in the Room of Lord George Sackville. Her Highness Princess Elizabeth Caroline died the 6th of this Instant.

Pos^t Admiral Boscawen has met Yrs. truly
 M. De. La. Clew in the Mediteranean Cecil^s Calvert.
 Sea taken two 74 & a 60 Gun Ships
 Burnt and 80 and 74 Gun Ships M. De. La
 Clew was wounded went from on Board
 on Afric shor^g.

To his Excell^y Horatio Sharpe Esq^r in Maryland.

[Cecilius Calvert to Horatio Sharpe]

London Nov^r 18th 1759.

Sir

By M^r Mather, I have y^{rs} Aug^t the 23rd he shew'd Me Your Testimonium & M^r Tasker's Let^r of his character as candidate for Holy Orders, Lord Baltimore on Merit thereof, consenting to Notifye him to the Lord Bishop of London, agreeably I gave him a reco^mendatory Let^r to Doctor Nichols the Bishop's Sec^y acquaint^s his Lord^p on his Ordination, that Lord Baltimore on his part at convenient time would Institute him into his Provincial Benefice. the Sec^y on Examination finding him of Age a year deficient, told him he could

not be ordain'd till the proper time; that he would Lay your Testimonium & My Let^r before the Bishop, for his Service at the Stated time. for the time he is gone to Ireland. Lord Baltimore's consent is peculiar favour to M^r Tasker, he desires no Engagement of such his favours until the Persons are Beneficed he has Notified to you & particularly Doctor Sharpe M^r Lee's friend.

The inclosed on Y^r perusing You'l Seal & deliver to M^r Lloyd, whose Conduct is not agreeable to My Lord who hopes his Resignation without his Lord^{ps} Remove: His Lord^p considering the Bad Conduct & Method of his Provincial Property under No Regular Measures is by intricacy Subject to fraud & of much Loss & trouble to him. He therefore Directs Propositions Relative Viz. That the Land Office his Lord^{ps} Office of Record, from whence Issues all comon, special Resurvey Warrants, Grants & Patents of Land & of Escheat Land 'Tis Proposed, that part of that office shall be a reposit for all the Farm contracts from the Rent-Roll-Keepers which contracts before delivered to the Farmers to be examined & certified by the Judges of that office as to the Validity of Quit-Rent of each County. And in that Office to be deposited the Leases of all Manor Lands & of all other Rights payable to the Lord Proprietor, the Original contracts as often as occasion shall happen of Renewal to be deposited in that Office, ready to be produced before the Board there to consist of the Lieu^t Governor, the Judges of the Office, the Rec^r Gen^l & Rent-Roll Keepers. The Lieu^t Governor with the Judges of Land Office to sign all comon Special & Resurvey Warrants, Grants & Patents & of Escheat Land disposed of and Entered on Record. The Farm contracts as often as Renewed to be by the Rec^{rs} Gen^l transmitted to the Lord Proprietor & Attested Copys of all other concerns of his Revenue on Renewal. In order to compensate for this trouble & Attendance 'tis Proposed Viz.

To the Judges of the Land Office their proffit as usual To the Lieu^t Gov^r 5 p^r C^t out of the 10 p^r C^t as has been usually paid on value of Land disposed of & 4 p^r C^t of the said Value to the two Rec^{rs} Gen^l one for each shore & the remain^g 1 p^r C^t for an Additional Clerk to the Land Office, whose Business shall be to keep Books & make Entry of all concerns Necessary by order of the Board at their Meet^{gs} & to serve such orders Signed by the Board or the Major part of them, the Lieu^t Gov^r being allways one & upon the party served not complying with the Summons & Demand of the said Board on the Lord Proprietors Behalf the said Board shall by their Authority order & direct the Rec^{rs} Gen^l to take such Measure

as the Law Directs by & with the Advice of the Attor^y Gen^l Counsel for the Lord Proprietor. the Expence to be lay'd & approved by the Board & to stand charged to his Lord^p in the annual Acco^{ts} of the Rec^{rs} Gen^l by them transmitted to his Lord^p And it is proposed that 5 p^r C^t to be paid to the Stewards of the Several Manors out of the 10 p^r C^t of Rent Value as has been usually paid to the said Stewards for their Care & good Acco^t & that 4 p^r C^t thereof be paid to the Rec^{rs} Gen^l for their trouble & that the remain^g one p^r C^t to the use of the Clerk of the Land Office afores^d His Lord^p desires Your Consideration on the above Plan for Method & Rectitude of his Private Property, w^h for want of Regular Establishment is precarious, Besides the want of a Proper Office as Repository for all his Inst^{ns} Deeds & Papers Subjects his Revenues to great Distress & Loss. By the above scheme, he purposes knowledge & Security by Advice & the Means of his Guidance & right Issue & the giving him Contentment in Justice his Due Strictly from his Several Officers of Revenue, who are by him well paid for their so Doing. He trusts in Y^r friendship & Service & that you'l favour him with Y^r opinion & Report of & concern^s. The Proffits on the Land Office the 10 p^r C^t often Am^{ts} to four & five hundred Pounds p^r Ann: half is proposed to the Gov^r & may be annex'd ffees on all warrants Grants &c^a & in whose hands the office seals should Rest. On the stability of this office the Lord Proprietors Happiness depends & the only Security for due Circulation of wealth to the Owner, is check upon check; 'tis the Band of Honesty, the Land Office is a great Trust & of the utmost consequence to all concerned; therefore requires real fidelity & the best Abilities for due Execution. much Waste has been & Now is of Quit-Rent not in Possession of the Proprietor But of these things you & M^r Attor^y Bordley can Right. the present condition & Management of the Office is a reproach of Misdemeanour in Public Employ^{mt} The intention of the Plan is two Rec^r Gen^l My Lord desires y^r recom^{endation} of them with Sufficient security & hopes for them of the Upper House & thinks it proper that the Rent-Roll-Keepers Place should belong to the office of the Rec^{rs} General. It will be proper to add M^r Tasker Deputy Sec^{ry} & M^r Com^{miss}^r Dulany to be of the Board as their Offices concern his Lord^{ps} Land affairs. M^r Thomas is aged, why not to be prevailed upon to resign his Seat at the Council for the Benefit of his son to be Rec^r Gen^l of the West Shore, with remove of M^r Chamberlaine who is also Aged & Seldom Attends the Council, his seat will serve for the other Rec^r & he may keep his place as Naval Officer. I am anxious for

Your strengthening at the Council Board, I mistrust a Snake in the Grass, it may be of use to provide a Swish.

M^r Franklyn of Pensilvania residing here is said to be the Author of a work Intituled "the Historical Review of the Constitution & Government of Pensilvania from its Origin so far as regards the several Points of Controversy which have from time to time, arisen between the several Governors of that Province & their several Assemblies, founded on Authentic Documents" The work is rec^d here as a mix'd Treatise biassed on particular Subjects ag^t the Proprietors & the Governors of that Province. It has gained No Credit with the Superiours & I am told he has met with cool reception; However as this Work may lead him or some Author to Publish a Review of Maryland & as I am informed, he holds Politick Correspondence with the Province. I therefore Remark in Defence of the Proprietors Gov^{rs} & their Assemblies in case of Publication thereof & as these works are Anonymous inveigling with fair words to deceive the unknow^s & for the Knave to Exult. On Publication on Maryland, No answer here could be produced by reason of there being few Materials to frame an Answer. thereupon My Lord desirous to stand Justifiable ag^t Virulent Calumny & as it is as well the part of those in Administration of Government to clear off the filth of false representations, in order thereto, what think you of the Rev^d M^r Bacon? he has Capacity & acquired Abilities for the Compiling such Work in its fair Character & Nature. The Actions & the causes of Expence of the first & of all the Proprietors & of their Benevolence, Loss and charges are Extant on Record & by Acts of Assemblies Expressed, as well as the Proceedings of Assemblies are on Record in the Province; these Materials collected & Blended together will show all action of the Province in truth & Decernment of false Light. M^r Bacon's acquitting himself by facts & dates will gain him all Esteem & Service from the Proprietor & from whom he will be sure of Reward. On transmitting such a Manuscript, his Lord^p will be at the charge of Printing. To whom his Service & hopes by him of no Delay.

M^r Penn complains of particular Accounts of Violence committed on the Inhabitants of Sussex County & that process was issued in Maryland ag^t fourteen, who took up their Lands under M^r Penn many years since, & never under Lord Baltimore, this conduct if not immediately put a stop to must oblige M^r Penn to apply to the Crown for its protection, which M^r Penn hopes will be prevented & that Lord Baltimore will send the Governor positive orders for this

purpose, His Lord^p requires y^r Examination into the above matter of complaint & that such redress be had & given as is Equitable & just & that for the future all real proceedings concerning such conduct be stop'd in Justice of the copies of the several Acts that were made between 1638 & 1662 for the Defence of the Province &c^a transmitted by you & as to the Note The Act for Customs made in 1646 is not on Record in the Province if not there I find it not here at present By observation in Several Acts which were made after this time Viz. in 1676 & in 1678 by Minits you transmit, the Act of 1649 concerning the Levying War within this Province was Reserved to as being then in force, His Lord^p rests on the Stability of the Act of 1649 his Exemption of all Tax on his Estate as Lord Proprietor of the Province towards defraying the Expence of any War is still in force Notwithstanding the Gen^l Repealing Act of King William who took the Government of the Province into his own hands yet in that Act there is a proviso saving to all & every Person or Persons whatsoever was & is his or their Rights & Benefits which he or they had by the former Acts of Assembly By which Reserve he rests his Exemption by Virtue of the Act in 1649 And altho' his Lord^p has Voluntarily Submitted to Taxation in some particular for his Majesty's service it cant from thence be presumed either in Law Equity or comon sence that he has excluded himself of the firmness of the Act of 1649 as to his Exemption & he will abide by the Act of 1649 & the Authenticity thereof certified by a true Copy of the said Act on Record signed John Ross Cl. Con: & by Y^r Testimony of the great Seal of the Province transmitted by you; And 'tis Explanatory, the Act of customs in 1646 whereby the then Lord Proprietor undertook the charge of Government in War & Peace by the Act in 1650 Entituled An Act concerning levying War in this Province, in the last Clause is to be levyed upon the Province by an Equal Assessment upon the Persons & Estates of the Inhabitants thereof the Repealing Act of Customs in 1661 confirms the said charge as to the Lord Proprietor repealed for ever & is a Reserve to the Act in 1649 then in force & w^h is also confirmed by the Act in 1650 the Acts certified by J Ross C^l Con^l & under Y^r Authenticity concern^g the said Acts Copies taken, & transmitted by you. I have not been able as yet to obtain from M^r Hunt his Acco^t of disbursem^{ts} of the Money that has been return'd him & his Colleague Trustees by the Provincial Naval Officers on Acco^t of the Paper curr^y Act since the Mess^{rs} Hanbury Appointm^t with him I have pressed them to lay out the Money in hand

& have wrote to him for his Acco^t I hope to have it to inclose in this to you, but doubt it, I like not his Conduct with regard to the Province. This Let^r laying open for want of conveyance Gives Opportunity to acknowledge the Duplicate of y^{rs} the 28th of Sep^r with other Papers in Y^r Packet rec^d the Copy of Transcript inclosed, w^h you say You brought from England relative to the Attainder of Robert Talbot together with a particular State of Talbot Manor & the Stewards Rent Roll is satisfactory so as to enable Me to form some answer to the Party here claimant, But in case a Bill is brought ag^t the Proprietor the want of the Papers & the Authorities sent by the Co^mmiss^{rs} appointed by Act of Parliament to Maryland to Seize the Estate belonging to Col. Talbot as well as a Copy of the Act of Rebellion ag^t the said M^r Talbot certified by the Co^mmiss^{rs} of forfeited Estates and delivered to the Guardians of the Present Lord & sent by Me & rec^d by M^r Lloyd the Rec^r Gen^l to make good the late Lords Seizure I say with^t these Originals or Authenticated copies thereof here in hand, What Warranty has My Lord to Authorize the Seizure. Y^r transcript Explains M^r Kellys hint to Me the difficulty to prove it to be the said M^r James Talbot the Person Guilty the transcript says James Talbot Acting ag^t K: George the 1st in 1715. it is imagined that the Deeds w^h he made in ffeb^y 1714 were only made in order to avoid a forfeiture. In 1715 the said James Talbot was apprehended & committed to Newgate & attainted by the Transcript under the Name of Robert Talbot of Hexam in the county of Northumberland as appears by the Records of the Sessions of Gaol Delivery held for the counties of Middlesex & Surry the 16th of May 1716. whereupon the Commissioners that were Appointed by Act of Parliament to enquire into the Estates of certain Traytors & of Popish Recusants & of Estates for the use of the Public transmitted to John Hart Esq^r then Governor of Maryland Warrants directed to the Sheriffs of Talbot & Cecil Counties by w^h the said Sheriffs were Authorized & required to seize all the Lands & all other the Estate late belonging to Col. Talbot in Cecil County or elsewhere within the Province of Maryland. Whether any thing was done in persuance of the above-mentioned Warrants does not appear, but Col. Low the Lord Proprietor's Agent soon afterwards claimed for his Lord^p the abovementioned Manor & granted Leases on 21 years & three Lives for a few Tenements. however the greatest part of it was already Occupied by a Number of People who refused to become Tenants to his Lord^p & most of whom declaring themselves Pensilvanians refused to pay Tax in the Govern^t of Maryland nor would they shew by what Rights

they held or pretended to hold the Land. It is supposed that about 22000 acres of the Mannour lies in what is now called Cecil County, of these 16002 $\frac{1}{4}$ according to the Stewards Roll have been leased by his Lord^{ps} agent to Sundry Tenants whose Names are entered in the inclosed List. What a Perplex confused undetermined Circumstances are here met together, vast Extention in Law almost infinite the transcript says a Tryal in Virginia for a fact committed in Maryland for Murder by George Talbot the 21st of Oct^r 1684. a Deed in feb^y 1714 by James Talbot to avoid a fforfeiture his Acting ag^t K. George the 1st in 1715, a Misnomer of his Name attainted the 16th of May 1716, by Robert Talbot. No Action of the Crown's Seizure in Maryland appears to have been, only the Lord Proprietors Agent claimes for his Lord^p & Grants Leases 21 years & three Lives for Tenements. Pensilvanians Possess on the Premises & refuse to hold from the Lord Proprietor & Govern^t Q^{re} if within the Kings Jurisdiction of Order of Council for run^g the North Temporary Line Dated at Kensington the 25th Day of May 1758. With respect to this Manor by y^r Manuscript called Talbot or Susquehannh Manor Granted the 11th of June 1680. by Charles Lord Baltimore to George Talbot Esq^r in the County of Roscommon in Ireland the said Manor stands charged rec^d in M^r Lloyds Acco^{ts} Viz. p^r Ann. in 1754 £121..12..0 1756 £72..4..0 & in 1757 to Xmas 1755 £94..1..0 clear Bal. To the Lord Proprietor by Benjⁿ Chew the Steward Now by Benjⁿ Chews acco^t of the said Manor dated the 17th of Aug^t 1759. the Rent stands at a £173..8..6. why that enequality of Rent as rec^d before, to M^r Chew? but of these things I submit to Superior Judgem^t My Office is to obtain Authentick Evidence relative & to steer his Lord^p if I can from Harm. Possession is said to be Nine points of the Law & that the Defendant has the better End on it, but How & why under this case? for altho' spot'd, Yet in Law a Blot is no Blot till hit; therefore, Q^{re} How stands his Lord^{ps} Right by Charter in regard with the Crown & his Right ag^t the Right of the claimants? What a jumble of Matter wraped in the Womb of time; However, his Lord^p desires you'l forward all as soon as possible relating. M^r Jenings late Sec^y in the Province inform'd Me the Property the Pensilvanians had Pillaged of this Manor was worth £100 p^r Ann. Now Occupy'd & this Pillage Suffered tho' well known to the Governors and Govern^t at Annapolis, what a Loss & danger of Loss by Navigation & Trade at the Head of Chesopeak Bay, by Pensilvania having a Right to its Water.

Concern^g the Petition of Samuel Osburn of Queen Anns County Present'd you setting forth his forfeit of Recogni-

zance to the Lord Proprietor thirty Pounds for Non-Appearance of John Roach last June Court to Answer to a charge of Felony ag^t him. His Lord^p has considered the contents of the Petition and on the Representation of the Subscribers Justices of Queen Anns County Court certifying the facts alledged in his Petition to be true & recommend the same to Your consideration & on your transmission of the said Petition without Exception, His Lord^p Directs Me to acquaint you that he Assents on his Behalf his remittance unto the Petitioner the fforfeit of his Recognizance aforesaid & you are to discharge him accordingly.

Your Papers Mark'd B. containing the request of the officers who lately com^d the Maryland Troops with their Memorial to M^r Sec^{ry} Pitt praying some Recompence for their Service during the last years campaign His Lord^p directs Me with Your Brother William to well consider the same & that he will cooperate the most producing to Effect & Obtain them the Relief desired the Papers with Y^r Let^r to the Sec^y Mark'd D. are with Your Brother & all will be done possible for their Service. Success is feared, the Administration regarding the Province with^t Resentment, their Want of Duty to the King, Neglect of his Service often required of them & Justice to themselves & made known from his Majesty by his State Sec^y join'd to this is said that the Money 200000^l granted last Sessions for America is already Given to the Colonies & of w^h Money I wrote you last Aug^t I had Attempted to gain a Gift for Maryland; the offer was with Derision refused. the unreasonable clogg'd Assessment Bill of the L. H: is regarded here Crafty Voidance of their King & County, 'tis with concern I write this, the Province tho' out of Sight, it will be long e'r out of Mind their Neglect. M^r Sec^y Pitt to whose Merit & Assiduity the Plans of operation ag^t the Enemy have had Glorious Success's Deem'd peculiar to him has friendship for real Merit & in whom all the Brave & deserving may trust & will reap Beneficial Service from his candour, & firmness of Honour.

Y^{rs} Decem^r the 16th 1758. To His Lord^p & inclosed by y^r Com^d a Copy of M^r John Ross Cl: con. his Let^r Dated Aug^t the 15th 1755 about the Report of tumultuous Meetings & Caballings among Negroes & of Roman Catholicks Misbehave to give his Majesty's Subjects just cause to fear an Insurrection & that a Copy of the said Let^r was sent to the Justices of Each County with the Copies of Replication from the Magistrates of the Counties to you, of No tumultuous nor Caballing among Negroes & of No Misbehave of Roman Catholicks gives his Lord^p Satisfaction the Testimony thereof

rec^d The inclosed Rent Roll of Calvert County is rec^d Concern^g you write of M^r Stuart of his Charge on Me his detention of the Surplus Money on Vacancy of M^r Young Judge of the Land Office, his Demise, I have examined. My Let^{rs} to him he has No such Direction from Me, tell him to produce it. Suffer Me not to stand Guilty of Anticipation with you.

Our Events ag^t the Enemy this Year will Ever be Illustrious in the British Annals, great Honour to our King & Country, four Signals S^t James's Cannon has proclaim'd Prince Ferdinand in the Plains of Minden, Admiral Boscawen Lagos Bay, Gen^l Wolf Quebec City, S^r Edw^d Hawk of Bell Isle & thanksgiving to the Almighty in w^h is included S^r W^m Johnson's Action of Niagara Gen^l Amherst of Ticondarago & crown Point & of Admiral Pocock Success's in the East Indies & a Plentiful Harvest Remarkable this year. Brave times when Men can say to one another Here's to you, God save the King. We have Bearded the French.

I have the pleasure to Acquaint you as a Token of his Lordships Estimation of your Merit & Service to Him, he has a Massy figured Gold Snuff Box with the Provincial Arms Engraved w^h by the first opportunity he will send you for Acceptance. the inclosed News Papers of Particulars May all Health & Happiness Attend you is the sincere wish of.

Y^r Thankful Serv^t

I thank you for y^r Bill before
w^h is paid & for y^r Bill John Ridout
on Sam^l Galloway lately return'd }

Cecil^s Calvert.

Post^t Dec^r Upon closing this, I have y^r first Packet & find with your Acco^t of Talbot Manor the Copy of the Comiss^{rs} of forfeited Estates To His Excell^y John Hart Gov^r of Maryland their Warrant to the Sheriffs of the Province for the Seizure of M^r Talbot Estate, if you think there is any other Matter Necessary send it. M^r Young of whom you have write, informes Me of a Report that he is to be displaced, requests continuance that his Circumstances are low & has lost his house by fire. As you wrote posponing y^r proposition ab^t him I imagine Y^r transcriber Blabs. By My Post^t to M^r Lloyd, if he does not resign he is Warn'd of removal unless you make him part of the Scheme herein proposed, w^h will take place on Minits from you how to Plan & in w^h I hope your Benefit. I know not of the Building of the Land Office, if it is wanting My Lord must inlarge & make it comodious. The French King has Stop'd paym^t on all his Funds & call'd in all the Plate of his Kingdom one fourth of the Value to be paid the Remd^r to be on Credit

Capital & Interest his Banker at Paris is Bankrupt with several others, this Occasions Bankruptcy in Holland, England & of Merchants like Nine-pins they throw one another. A Subscription, open'd for Eight Millions here at 4 p^r C^t with a Lottery Ticket the Interest for 21 years at 4 p^r C^t after at 3 p^r C^t it fill'd in three Days (Englands Security is in full Credit) the above Money on Malt 3^d p^r Bushel additional Duty. Here's talk of Peace, what can France do? she has Lost her Trade & closed her credit, protested all her Lost Colony Bills & most of her Valuable Islands & Colonies are in our Kings Possession, her Navy taken, Sunk & destroy'd. Left with not thirty of the Line; her Alliances & Corruption how will she maintain? she has Lost the source of Riches the Nerves & Sinews of War, is become a Bankrupt. What Effort can she? As to Hanover she has been twice Bravely foil'd in the Attempt, if she got Possession what then? it would not answer her nor would the Germanic Body allow it her. By the War the Counter Ballance is ag^t her, it is with our Sovereign. Goree, Senegal, Guadalupe and Quebec, immense gain by Traffick & pronounces she must submit to British Terms. M^r Sec^y Pitt has Pit her, & she must be Humble e^r she gets out. No Provincial Laws nor Assembly Journals are come to hand. In mine Sep^r the 6th to you My Lords desire is to have laid out 10000 Acres in Frederick County reserved Manor Land the best soil & Scituation. The inclosed to M^r James Richard is in Answer to his to My Lord ab^t ill treatment of receipt of his Lord^{ps} reserved & Manor Rents, he is refer'd to you for advice concern^g Note From all parts congratulatory Addresses are to his Majesty on this Years Success of his Arms. What am I to expect from M^r Comiss^y Dulany. M^r Tasker favour'd Me, I hope from him the same favour, 'tis his Lord^{ps} Desire; I mention this because not hearing relative from M^r Dulany. To His Excell^y Horatio Sharpe Esq^r Lieu^t } Decem^r 27th 1759.
Governor of the Province of Maryland. }

[Cecilius Calvert to Horatio Sharpe]

London Jan^y 19th 1760

Sir.

My Packet inclos'd the 18th of Nov^r has long been y^{rs} for a Passage & tho' I may send Antiquity & as most things grow stale by keeping, yet mine is Enrich'd by the Proprietors Let^r to you with his Elegant Gold Snuff Box, May you long enjoy. Peace is talk'd, seems not likely this year; 'tis hinted when, Act of Parliam^t will be moved for amendment of Government & a Standing Force in America & that the

Colonies must bear at least the greatest share of Charge for whose Protection the Force will be Established, this will occasion a Tax; being Preparative is best. It is usual on Propositions concern^g the Colonies, such Propositions are often sent to the Sec^{ys} & Agents of the Provinces to make answer concern^g; if any sho^d be, I believe it will. Y^r advice on Modus of Tax p^r Poll, by Land Tax or otherways. Y^r answer by paym^t Sterl^g would be of great Utility here relative to Maryland, & by whom to be rec^d & in whose hands Deposit^d. I hint this for y^r consideration at Leasure & should be oblig^d for y^r sentiments thereon, from Gov^r Denny late of Pensilvania are arrived transactions, s^d his Gain of Malum Penæ and Malum Culpæ to his Proprietors, whom I am told will sue him on Breach of his Covenant by Bond to them; even his friends sneer him. Great Preparations by Land & Sea are forwarding for Action early in the Spring.

May all Happiness Attend you.

N. Y^r being mindful of M^r Nicholson Y^{rs} truly
for favour will very much oblige your Cecil^s Calvert
friends here.

Post I return for y^{rs} con^g Pensilvania Publish^d at Philadelphia the History of Pensilvania Publish^d here, as a Sort of Method for M^r Bacon mentioned in mine the 18th of Nov^r to delineate the History of Maryland. tis obvious by the above History the Mess^{rs} Penns dismissal of Gov^r Morris is Blame to themselves, he was just to them & they had warning of Gov^r Denny in his declarative speech to their Assembly, that what he consented relative to his Proprietors was ag^t his conscience & of their Just^{ns} to him, his dismissal sho^d have follow^d. His Lord^{ps} Annual Donative under the Title of Lady Baltimore & himself to the school at S^t Peter's Parish in Talbot County late Benefice of the Rev^d M^r Bacon, he being inform^d there is no School founded he desires to know from you the truth of that circumstance that his good intentions suffer not abuse his Gift during pleasure being only for the Benefit of that School.

[Cecilius Calvert to Horatio Sharpe]

London Feb^{ry} the 18th 1762

Sir

M^r Capel Hanbury with me and having expressed his conveyance by a Virginia ship on immediate departure at Portsmouth, with the Squadron destined for the West Indies, allows but time to Acknowledge late Let^{rs} rec^d from you. His Lord^p thanks you for your transmission of Bills of Exch: am^{tg} to a 1000£ sterl^g and doubts not the truth of y^r

Acc^t to him. I shall at Large exemplefye on the contents of your said Let^{rs} to him and me by Ships to the province under convoy in April. M^r Dulany with whom I have been often with, since his arrival from Bath, nothing of import transpires, he is better in Health, he has not as yet seen his Lord^p upon all discourse behaved with respect of you. As to the Lo. H. Address, delivered to the Sec^y of S—, it imports not, on my summons to attend and on Arguments against the Allegations therein, the reality of the Allegations being absurd, I think has deposited all matter of complaint set forth by the Address in Oblivion. Your conduct is much Approved and you may depend on his Lord^p support in all things, and I am

Y^{rs} truly
Cecil^s Calvert

Pos^t Your Let^r to your Brother Phil:
I hope is delivered and that to M^r Dawson
at M^r Hoar's the Banker. I wrote to you at Large
Oct^r the 8th & a short Let^r Jan^y the 7th last.
Inclosed is of News.

[Cecilius Calvert to Horatio Sharpe]

London March the 1st 1763.

Sir.

The 28th of February last, in a short Letter by a Ship of M^r Russells on immediate departure, I gave you Intelligence of the arrival of your Packets, containing your Letters and Papers on Matters Public and Private; they have been long on Voyage by their several dates, mostly received about the 24th of February, of time wind bound upwards of five weeks at Cork in Ireland, under Convoy of the Gosport man of War.

We are now arrived to Entire Pacification, the Definitive Treaty of Peace is Signed between the Belligerent Powers, Great Britain, France and Spain; and Peace is confirmed between Prussia and the Empress Queen, these are happy Events. Yet murmur is about our Peace, why? I conceive not, If not Equal to our successes, yet certainly Adequate to our present Circumstances of Affairs, reduced to Low Ebb by vast Expences and Destruction by War Both of Men and Money, has brought high time to Draw off, and Sing Te Deum!

By Yours the 18th of April last I observe, the same Obdurate Spirit continues against the Supply Bill, unless the usual oppressive means be allowed as formed by the Lower House. With regard to your mention of Provincial Letter writers, of

Suggest to their correspondents here, is of little import to his Lordship, no regard with me. respecting the Addresses of Both Houses by you inclosed with your Speech, his Lordship perused and had Satisfaction in your Endeavours towards his Majesty's Service, the same of the Upper House, But the obstinate Spirit still continued during the Sessions of Assembly by yours the 11th of May; I think is the ninth Effort of the Assessment Bill Defeated by Cogent Argument by the Upper House against the Lower House, as a Bill of dangerous Consequence, Illegal and oppressive; Subjoined by opinion of his Majesty's Attorney General, Non Obstante. the Lower House adhere without the least Deviation in Obstruction to His Majesty's Service, tho' Bound in Duty to the King, and defence of themselves and Country; Tis clear by the Votes and Proceedings of the Lower House their Alpha and Omega the same, Id Est, the members will not Comply But cloke their Ill intentions by Subterfuge Base and weak, calculated as you very justly observe to make the People Believe that the miscarriage of all the money Bills offered to the Upper House is owing to some unreasonable Instruction from his Lordship, a Notion the Faction have been constantly propagating among their Constituents, tho' they never before took the Liberty to assert, so much in their Proceedings. His Lordship is obliged to you for your exonerating him by your Answer to the Lower House, their long Address to you calculated seemingly to confirm the same opinion, against which your Duty justly Spurn'd at that the Dispute was not between His Lordship and the People but between the two Houses of Assembly, or rather between the People themselves as the Upper House intimated in their address to you, the People are Divided about it, some adhere others oppose. the Reflection on the Lord Proprietor. the obstruction hinted at of the Money Bills to be by the Lord Proprietor Obstructed is very groundless, evidently witness'd by the £40000 Bill passed for his Majesty's Service, besides other Acts passed; under all such Circumstances His Lordship the Lord Proprietor has Chearfully Assented to such Acts to be Taxed, and has paid in Common for all his Lands under Occupation on the same footing as was Assessed on all Landed Persons in the Province Besides Submitting to the Appropriation by Bill to his Ordinary and Hawkers and Pedlars Licences, no small Revenue for that purpose; this is well known to all by such Assembly Acts Extant and by him Assented to, tho' by Express words by an Act of Assembly in 1649. all Burthen by War is by that Act Disburthen'd off from the Lord Proprietors, the Support of War and the defence of the Province is by that Act to be Dis-

bursed by the Provincial People themselves; Notwithstanding, His Love and regard to the King and Generosity to the welfare of the Province which 'tis evident, has incited his Benevolence contrary to the very Tenor of the said Law, and I am sensible willing to the same continuance of Tax on him provided it be on Service for his Majesty's Requisitions; But of that Now not likely of requisitions immediate to the Province from the King, as we are arrived to the Era of Peace. I am by Authority inform'd, that a Scheme is forming for Establishing 10000 men to be British Americans standing Force there, and paid by the Colonies, 'tis said to be Levyed by Poll Tax through out the Colonies; the Parliament has Voted the force, and the Eyes of the Crown and Parliament are on them from that purpose; if by Poll Tax, will require knowledge of the number of inhabitants in each Province; therefore I should be obliged to you to know as to numbers in Maryland, and under what other rate the Province can be charged at, if any more Easy and reasonable; nothing shall be wanting in my best Endeavour of Service towards your having Command as to Quota of Maryland.—concerning Faction you write in the Province, you may depend Both in regard to your Self, as well as of all others concern'd, Firmness against it is here to render it contemptible; of M^r Franklin giving trouble, I understand he is at Philadelphia, his son has the New Jersey Government, so hope all subsidies with them I have hinted to your Brothers to keep a good Look out at the Secretary's Office. American Provincial Complaints have almost lost regard, their disobedience of Long time to Royal Instructions, and the Lower Houses of Assemblies setting up the Lex Parliamenti with their continued Harras to Governors, and threats of independency, with other indecencys, has thrown their Affairs into the Spokes of the Grand wheel of Government of their Mother Country, whose Superiority they'll feel. By this opportunity inclosed is his Lordship's Commission of prolongation of time for settling the Boundary Lines with Pensilvania Sign'd by me on Behalf of Lord Baltimore, he having Authorized me to Act for him during his Absence. 'tis a work of time, and of Embarassment, the Persons you desire are by the Commission confirmed. Respecting M^r Lloyd the Receiver General of whom you write; I am at Loss how to hold him? he complys not almost with any requisitions sent him; he's like Fabius Maximus cunctando, but not in Merit, after upwards of five years repeated admonitions of his delay of accounts, he has sent three years Accounts. five due, and with regard to his Lordships Instructions concerning the Establishment of the Office of Agency at Annapolis he is silent; expresses

resignation of his Office, indeed he must, was My Lord here he would feel his resentment, on his return he Certainly will, therefore consider of a Real proper secure Person to succeed him and of whom give Intelligence; he recommends M^r Charles Goldsborough Now of the Council, a Person more in Age than himself and lives on the East Shore, great Connections between them; By his age Riches and Residence, with respect to his Attendance & perfecting the office of Agency to be at Annapolis, if right from information, he is most improper to answer the End; I take M^r Lloyd's and his meaning to bear to his son, he is young and his father's knowledge and security is good, But then his residence on the East shore will obstruct his attendance of the office at Annapolis; this Affair is of real immediate consequence to Lord Baltimore, your friendship by Quick execution in the Establishment of the office will be very grateful to him; respecting alteration of his Lordship's Instructions or Plan relative, you may assure M^r Lloyd that will not be; his Scituation and Affairs allows not his attendance, his resignation is best, voiding wrangle with his Lordship Your Induction of the Reverend M^r Thornton as Rector of Port Tobacco Parish, and of the Reverend M^r Barclay into St. Peter's Parish, and of Inducting the Reverend M^r Maynadier into All Hallows vacant by remove of M^r Barclay, are matters of no Doubt of his Lordship's approbation.

Your Policy on M^r Goldsborough the time of remove to be of the Council your Measure very proper; and the Approbation of the Gentlemen of the Council relative to the Appointment of M^r Ridout as Member of that Honourable Board, will give My Lord Entire Satisfaction; my self not wanting on your recommendation of him. I thank you for your remittance to me by this Letter. £125.9.3½ The Copy of the Journal of the Lower House of Assembly mentioned in yours the 11th of July and 21st of June last I have, the Arguments of the Upper House with the Lower are Cogent, defeating and descriptive of the Illegality of the Lower House Assessment Bill as usual. Relative to yours the 15th of August last, concerning M^r Brerewood's claim is By His Lordship's Counsel invalid here, if by Patent not legal, as contrary to the Powers vested in Charles Lord Baltimore his Lordship's Great Grandfather by virtue of Marriage articles settled by him on his son my Father Benedict Lord Baltimore and Grandfather to the present Lord. He has attack'd his Lordship at all points at Law. Last year he brought his Action against him tryed at Croydon Assize in Surry, where I Nonsuited him, and last Term Sir Thomas Clark Master

of the Rolls dismissed his Bill of Equity about Maryland, intermixed with common Law and his false Plea about his Tryal at Croydon Assize, he returned him to common Law, where I Outlawed him; he has still another Bill in the Court of Chancery about Maryland, which I have no doubt of dismissing the ensuing Term. The reason of my writing about the Mannor called Lady Baltimore was because he had propagated the Cause of his not being in Possession was my having dispossess'd his family and him by my orders; he's of no import and his ways are Base ingratitude.

Yours of the 12th of September last, gives me pleasure of the arrival of the Sector, Telescope, and Apparatus for the Sector and of the Brass yard and measuring Instrument, and in the Box was a Silver Medal of his present Majesty by you not mentioned. With regard to Method of running Boundary Lines, inclosed, is Dr. Bevis's a Skilful Mathematicians Judgement and prescriptions, 'tis really out of my Ken. Concerning the Doctor's Transit Instrument for running such Lines; I did all to Obtain it. But M^r Thomas Penn to all that is proposed on Lord Baltimore's side with him takes not. The Instrument was mounted, and several Mathematicians were with his Lordship and M^r Penn present, and the Instrument displayed by the Doctor, I thought and others there acknowledged the real Utility was sufficiently proved, what then, M^r Penn and his followers Humbuged it? My Lord offered jointly with Penn to purchase it, he refused; I endeavoured for his Lordship to purchase it for his own Use, which he declined, it would a been of General use for Surveys and running limits. Since M^r Penn has been at much greater Expence, he has had a Six feet Sector constructed by M^r Bird a famous Mathematician Instrument maker, Attendant the Apparatus, said with Accuracy; it has a fine Aspect in Construction, and is the same you have received, perhaps may better Answer, if not prevented by Accidents from Carriage or from Hot and wet weather. Concerning the Meridian Head of Potowmack River I wrote you, 'tis of the greatest Consequence How determined? I have received a Letter from Mr. Cresap in Maryland, he says, Concerning "the North Branch of Potowmack River, I find that the South Branch is about Eighty Miles longer than the North Branch, which runs South thirty four degrees to the West from the mouth forty Miles or upwards on a Streight Line and then turns and runs West about fifteen Miles when it makes a Fork, where Lord Fairfax's Line crosses to the Fountain Head of the North Branch, But the South Branch after his Lordship's Line Crosses, it continues

to run South West, and Westerly between Eighty and one hundred Miles, so that if the South Branch should be fixed to be the Fountain Head of Potowmack as it certainly is the Meridian Line, takes in a fine Country for Lord Baltimore, which he would Lose by fixing the North Branch to be the Fountain of Potowmack. I formerly reversed the Meridian from the Fountain Head of the North Branch forty miles between the Branches of Monongahala and Youghyoughyany, which are Branches of the Ohio River." this Intelligence seems to be very Circumspect and intelligible, I therefore on the part of Lord Baltimore seriously recommend it to your Consideration and that you will enforce the truth thereof in the run of the North Boundary Line at your meeting the Pensilvania Commissioners, as far as the Meridian of the Spring Head of Potowmack, the South Branch; what I wrote you in mine last April concerning, seems Now not perfect matter. Relative to M^r Bacon for his publishing the Provincial Acts, your proposition of payment is Right. of your mention of disagreement of the two Houses, I conceive none can Effect you; His Lordship is well Satisfied with your Conduct in all concerns, and he rests satisfied you have conscientiously done your best endeavours to discharge your Duty to the King and to him and the Province. Regarding M^r Young, he is Felo de se, destruction by his own Ill Conduct, and Breach of Trust in Money concerns, he has none but himself to Blame; by his dismissal Colonel Henry deserving has Place, his Trust is safe. Your Induction of the Reverend M^r Dowee into a living will give the Lord Arch Bishop of York pleasure and My Lord. The two Clergy Mr West and M^r Lawder by you recommended there can be no doubt of their being acceptable to his Lordship, and I will note them in Course as next to Benefice. As to M^r Smith and M^r McLochlin I recommended for favour, the first was by request of M^r Kay here, the latter by M^r Lloyd the Receiver General, had I been acquainted in the least with the Objections by you recited, my good will to M^r M^cLochlin he would not a had. With respect to M^r Nicholson, the Engagement for him is obtained by My Brother in Law M^r Crowe, 'tis My Lord's desire you should provide for him and you'll oblige me much, for his friend we much Esteem, Besides his near Relationship to us. With Regard to Old M^r Kay he certainly merits distinction of favour, he has been long of good Behaviour to the Proprietors, Especially to the Late Lord in his Legislative Capacity, he was sincere and steady; I hear there is a Vacancy in the Council, M^r Thomas Dead, your recommendation of him to succeed at that Board I conceive no doubt of his Lordship's consent, so soon as I have intelli-

gence of his Approbation of him, you may depend of my informing you by the first opportunity. With Regard to his Son whom My Lord likes as all does who knows him, he is on immediate departure for the Province, has given Application to the Law at Westminster and designs Pleading in the Province. As M^r Comiss^{ry} Bordley designs resignation as Attorney General to you, in order thereto he has applyed by Letter to me for Leave from My Lord, I have given him in Answer to his Epistle so to do; if you approve. Now of favour to young Kay the Attorney Gen^l's Commission is with you; he is a member of the Lower House. With Regard to M^r Scott you recommend for favour, I have not the least Hesitation but that his Lordship will give his Approbation of his Succeeding on M^r Ross's resignation of the Clerkship of the Council, this I will Note to his Lordship for answer to you by the first opportunity; M^r Ross's continuance as Naval officer of Patuxent on payment M^r Darnal's default, I make no Doubt of, I would give Consent on My Lord's Behalf, But as I have Letters from you for his Lordship which I have directed to him, I make no doubt But of your mention of these last requests to him, therefore must wait his Consent. I thank you By this your Letter for your kind remittance to me. £126.5.0. Yours of the 25th of September last I have, Accompany'd with the Journals of the Lower House and the several Acts of Assembly passed by you at a Sessions of Assembly held by you last March. The Acts having no particularity, they being mostly Acts similar and agreeable to Acts formerly passed, I wave them for his Lordship's Sanction. It is with much concern I receive the Intelligence by you inclosed of the Commissioners return from New Castle, it seems as if better the Commissioners not to a Suffered the Surveyors with the Pensilvania Surveyors to a gone again to the Middle Point after the manner prescribed in the Instructions, perhaps they have Er'd in the Execution, if not, they have officiously Unbaged a Cat.

I know Little of the Articles of Agreement between his Lordship and the Messieurs Penns; I did all I could to prevent My Lord from agreeing to the Line from the supposed Cape Hinlopen, assuring him that I was well apprised that M^r Thomas Penn had had at times observations privately taken on the East and West shore for the run of the East and West Line on the Peninsula as to its points how they would Bear, that he had by those he had employed fool'd the late Lord's Commissioners in the run of that Line from East to West over to James and Taylor Islands, to give it Length, for the better Division of the Peninsula upwards to answer his purposes East, Both as to gain of Land and for

Cutting off the Springheads of his Lordship's Rivers to be East of the Division Line from the Middle Line running up North to the Periphry of the 12 miles Circle off Newcastle; If the Mischief is so as by you sent, he will not receed from it, he is too knowing; he inadvertently show'd me his Chart of the Peninsula, on which was described run of the Middle Line up to the Periphry of the 12 Miles Circle off New Castle, this was before the Articles agreed, what says I, will you gain all these Rivers Heads, says he, most certain; It gave me much Happiness on your first return of the run of the Division Line up North, that he had Humbuged himself; Now turns on his Lordship, and will be of great commercial Loss to his Province by Trade carried and Smugled to Philadelphia Market, where the Price is Higher and traffick easier carried to the West Indies, and to gain the produce of Maryland, they will make the Spring heads of such Rivers Navigable, Build Store Houses and cut channels from the Head of those Creeks making out of Delaware; As to any Stop How can it be? Can his Lordship or his Assembly stop the Act of Navigation? No, they will have a right to coast in his Bay of Chesopeak and enterance of such Rivers whose Spring heads lay in their Territory, they will not bait an Ace, money will not tempt, M^r Thomas Penn knows his Views. No man of Integrity and of real Mathematical abilities capable is to be found here to be engaged to direct and superintend the work of running the Lines there; M^r Penn has mentioned such a Design to me, I have the same to Doctor Bevis, they have enquired, none of real Character will Accept. Now as I am on this Subject, I tremble for the North Line, least the West End should fall into the North most Bow of Potowmack River, what an immense Territory will be cut off if so from Maryland, the Line to commence distance fifteen miles South of Philadelphia City, the agreement of the late Lord's with the Mess^{rs} Penns without his Least Knowledge of and concerning the North most Bound of Potowmack; when I reflect on Governor Ogle and the then Administration of his Lordship's Government I amaze! Your Brother John told me, from them he had gain'd no Intelligence, their Neglect of Evidence he said reduced his Lordship's Chancery Suit with the Messieurs Penns to a Dismission on his Side. Relative to the Commissioners and Surveyors last operation, I now transmit you Doctor Bevis's Answers. It is all I can say at present, the Expence is very Considerable by your Account already about £1400 Sterling, No doubt of your frugality the Best, you must go on, what can't be helped must be endured. Stop.

Your inclosed Copy of the Earl of Egremont's Letter one of his Majesty's Secretarys of State to you, of his Majesty's Displeasure at the late Conduct and Proceedings of the Lower House of Assembly; Gives that House a good rap, on their insufficiency of Duty to his Majesty, with a stroke of their Bad Assessment Bill towards his Majesty's Service; as Peace is Accomplished, I hope you'll not find necessary to lay it before them, as their recoil will be for an Agent in England to abuse. The Letter is great Satisfaction to all here, and to you, that His Majesty entertains a favourable opinion of your Zeal and Endeavours to promote His Service. this must give My Lord much pleasure and Happiness. In relation to Richard Tilghman's inclosed in yours October, his request to me on Behalf of his Son to be Clerk of Queen Ann's County Either in Life or at his Death by my order as Secretary of the Province, I will show his Letter to M^r Dulany leaving him to do therein as he thinks meet; you make no point of it, I shall Leave his Bad Behaviour without one word on his Behalf to M^r Dulany; he has no small Front. The Petition of Jonas Green, Printer seems reasonable for Relief, on His Lordship's return, I will lay it before him. I have taken the Liberty to inclose my Letter to M^r Ridout under a flying Seal for your perusal, His conduct of Debt to me, his usage not well, I desire your adjustment between us and his payment. M^r Calvert in his Letter to me, prays leave to come to England, in order to prosecute his Suit against Lord Baltimore on account of his Legacy he claims by the will left to him by the late Lord, He says, Doctor Stuart his Colleague in the Land Office will act for him; I have wrote consent on his Application to you for Leave. I am of opinion and confirmed by his Lawyer here whom I let see the late Lord's Marriage Articles, he says 'tis plain the Late Lord was only Tenant for Life, the present Lord in Fee, makes the Late Lord's Land Legacy invalid.

By this opportunity I transmit a Deed of real Consequence Between Lord Baltimore and me and of and concerning the Province, as it may happen in right of Succession to the Province on Demise; with regard only to me in Case his Lordship dies without Male Issue Legally Born. The Deed is Inrolled in the Court of Chancery as on the Back the 4th day of February in 1761. Attendant with the Deed is his Lordship's Instructions dated the 16th day of June 1762. His orders to you to Deposit and Enter with his Instructions the said Deed on Record in the Office of the Council of State, there to remain Both to be produced on Emergency; your Execution thereof, No Doubt. The Deed and Instruction

has been time with me, 'till now No secure Person to Convey them safe as Now by M^r Kay. The several Letters by you inclosed and of others are Delivered to the Post, some sent. M^r Daniel Dulany designs for the Province by this Shipping, has been at our Several Spaws six months. I have had little converse with him and when, he always mentions you with respect and with voidance about the Province. I think him far from well in his Health. Inclosed are Diurnal Papers and Pamphlets &c. as will make you Stare! the Liberty of the Press. By Last Accounts from Lord Baltimore he is at Naples, Concludes me with peculiar Esteem,

Your Sincere friend and obliged

Humble Servant

Cecil^s Calvert.

Mar. 5th Pos^t Inclosed, a Letter of my Delivery of the Upper House Addresses to the King and Queen on the Birth of the Prince of Wales, the inclosed London Gazette recites them delivered.

Since writing this Letter I have seen M^r Thomas Penn and after discourse with him on the Subject of the Surveyors going down by the order and Consent of the Commissioners at the last meeting at New Castle by their order to the Middle Point and run of the Line up to the Circle round New Castle; I told him by the minits of the Proceedings of the Surveyors on Both sides for Run of the Line run up, there seem'd a great difference by the Surveyors in the measuring the run of that Line, that if any difference as to Loss on Either side could be proved as to Quantum of Land by the unstraitness of that Line already run, the adjustment of such Loss was better paid by Estimation in Value respectively on Either side than to be at so very great Expence in the re-running the said Line already done; his Answer was, the Line was run, that if any Loss was the Land there was very Barren, such Loss was not worth Lord Baltimore's Consideration nor his, seem'd satisfied as to the first Run of the Line; But next morning he came to me and reasumed the discourse, said M^r Sprig one of our Surveyors had been the Cause of the Stop in the continuance of reasuming the run of the said Line from going on, if says he the difference of Deviation should be more than was then supposed in part of the Line then reasumed, and the irregularity by unstraitness Encreases, Then and in that Case it will Cause the Total re-run of the Line De Novo, and said he hoped no stop will be put to hinder the proof thereof, for as they were desirous of Giving No obstruction But where Matter was with real reason, he hoped from his Lordships side the same; As the

reasuming was Suffered to be begun, How can refusal be made? he refuses all composition by payment for Land that may be on his side Lost by reasonable Zig Zeg of the line he desires, naught; his reasons tend to what I have observed Before on this matter, God send a good Deliverance. As to the North Line which is to be run by paralell of Latitude, he hoped I agreed in opinion, that if two Persons could be had hence of real Geometrical and Mathematical Abilities, such Artists would best determine that Line, who were as he was informed to be had and would Go; that the Numbers Now Employed on Each side, had such Contradictions in opinion, that would frustrate the run and Execution of the said North Line which would be carry'd on by two Persons from hence easily and without interruption, as they would have no other Interest than their Duty, I agreed, from your hint of that opinion would be the Best; he then asked me where Lord Baltimore was? I said by his last Letter at Naples, when might he be expected Home? I thought about Michaelmas; he said not sooner, I thought Not, then says he we must defer the Consideration of the North Line untill the fall at his return, and said he would inform Governor Hamilton thereof, hope I would the same to you. he desired I would write by the Packet, I answered No, that I found a Liberty had been taken with several Letters I had wrote in their Non passing by the Post in America. I would write to you No more of any thing of Consequence (unless upon matters pressing), I had of Letters received No answer. he said if you would send your Letters to Governor Hamilton, care would be taken of them to the Course of the Post. Your Pipe of Madeira is arrived for Lord Baltimore and Landed. Note. Have an Eye to the Printing of the Tonage Act, the word Fort Duty instead of Port Duty, the Latter belonging Entirely to the Proprietors and is so determined in the Reign of William the Third, an Account thereof you have received p^r his Lord^{ps} Inst^{ns}

March 18th 1763. If you approve not of young M^r Kay as present to be Attorney General. M^r Holliday of the Lower House has character and Abilities Sufficient for that Station, and seems of Behaviour without Rancour and of discernment against the Assessment Bill, Oppressive and Illegal by his Behaviour at the Sessions of Assembly, in March 1762.

Mar. 21st Yesterday morning I was informed that M^r Anderson Merchant on Lower Hill, had received a Packet from Maryland, Directed to M^r Franklyn, if not in England to be delivered to his son William Franklyn. This morning I went to him and asked him concerning, he said yes, that it

came inclosed directed to him, with a Letter to him from M^r Robert Lloyd, he said his contents were only, that he had received the inclosed Packet from M^r Thomas Ringold who desired him to transmit it to M^r Anderson to deliver it to M^r Franklyn; that upon Breaking open the cover directed to him, he found Loose the Lower House Journal of March 17th 1762 and a Paper Book Printed by Jonas Green containing A Bill For raising a Supply for His Majesty's Service, which was Framed by the Lower House of Assembly, at a Sessions held at Annapolis in March 1762. To which is prefixed, all Messuages which passed between the Two Houses relating thereto "and which Paper Book he was to send to M^r Franklyn, attendant therewith a Large thick Packet in form of a Letter, this was all he knew from Maryland; But hinted from good Authority that he learnt the Letter was a Pamphlet in vindication of their Supply Bill and of and concerning the same and of their Conduct, and he understood from the same Person inclosed were Addresses to the King and Queen, what other Contents he heard not of. I asked him what he intended to do with the Packet? Says I the Franklyns are both in America, yes says he, therefore as the Directions were only to them, He would return the Letter Packet to M^r Robert Lloyd.

This by all seeming appearance is an Attempt of Effort by the Lower House, by false Colours and Evasive Arguments to Blast with Calumny the Upper House's Conduct relative to the Bill of Assessment, for His Majesty's Service, rejected By the Upper House, & rejected by them from its unconstitutional, Illegal and oppressive Measures contained in the Body and Substance of the Bill, and adjudged so by good Advice, His Majestys Attorney General, and by numbers here who have at times read it, all declare it full of inconsistencies and of great wrong, tending to the commercial Interest with regard to the Mother Country, Great Britain. I shall not enter upon further digestion about the absurdities of the said Bill, nor of their Bad cloack of Subterfuge so well known to you and the Upper House. Yet think it proper this Hint, that you will Consider, and strongly recommend to such Members of the Upper House as you shall think most meet, that they may Consult and Consider a full Reply in vindication of their Honour, and to wipe off the filthy slime of treacherous Attempt; this they can well do, from their own solid Arguments and of others, in their proceedings against the absurdity of the said Bill, and you and they can exonerate My Lord of his willingness and of his having Submitted himself to be Taxed, tho' the Burthen by Act of Assembly not on him in Support of War against his

Colony. Non obstante, he did yeild to be Taxed, and paid with pleasure his Quota in the defence and for his Majesty's Service and Safety of his Province. A little pains will recite and a few Remarks will clear all Aspersions wickedly designed by Base, Low Crafty Cunning; this I doubt not receiving soon with preface or introduction; that if they dare to print, I shall be able to return them a Rowland for their Oliver. 'tis difficult to defend Equal as where the Action in its return Lays; as to Cost his Lordship will not grudge in defence of his Governor and Administration, tis self defence the premier Law of Nature, therefore be expeditious and secret. A scheme there is about Charging the force in America by Export and import in and out of the Colonies to foreign Markets, that warehouses &c. are to be built at convenient ports and places for that purpose, where the Duties are to be paid; the money returned to be to England and drawn and for payment of the American Troops here on their Agents; But more of this in my next, this way of Force will not Effect greatly as I conceive Maryland; It will pensilvania as a vitualling Colony, the Duties arising from Exports and imports from & to the Colonies West India Traffick; this a matter in the Embryo of time & likely may be obstructed under a Scotch Premier Minister, the E. of Bute, ag^t whom strong Party is forming. M^r Cresap in his Let^r says "Please to accept this from a friend & sufferer in the vindication of Lord Baltimore's Rights as well as by the french and Indians" so ends his Let^r I am told he is realy in Distress. Regarding M^r Anderson, it will be very improper to mention his name relative aforesaid; he is a Merch^t may hurt him with the Party, his Intelligence to me.

M^r Dulany & M^r Kays departure being put off till May & opportunity serving by a Ship of Mess^{rs} Hanbury Bound to Patuxent River concludes me to you by the present Conveyance, his Lord^p at Naples I have wrote to him & Now shall again, hope his return will be at S^t Michael, if you send any Bills for him, or of any moment inform me I will Act the Best. Doctor Wilson Preb^d West^r takes it extremely Ill of Doctor Bacon not acct^g to him of the disposal of the last Effects sent him value £100 Sterl^g for S^t Peter's school, he says he will give him trouble & make him Acco^t the Arch Bishop advises so to do, as he is concerned in all Charities to America; therefore 'tis desired you will admonish M^r Bacon to give an Acc^t how he has disposed of the Effects, this they enjoin me to write. I gave M^r Macnamara Let^{rs} for you on his departure, I desire to know if you rec^d them. the Hon^{ble} Charles Townsend is at the Head of the Board of Trade, where the Provincial Laws are much enquired after

not being transmitted. Earl of Granville Dead, as yet no presid^t of the Council. I hear young M^r Penn son to M^r Tho^s Penn's Brother is Nominated Gov^r of Pensilvania.

James Munbin Petition Granted & returned you. Petition of John Leatherbury rec^d from Edw^d Lloyd refered to you & the Land Office &c.

1763 March 22^d I give you Joy, this Day Peace is Proclaimed throughout the Capital and of w^h inclosed is the Proclamation, with the Definitive Treaty of Peace transmitted you, for y^r consideration to Publication as usual on such occasion. And is transmitted you, M^r Lewis Evans Chart in 1755 in which is a Division Line that runs up from the Middle point on the Line E. & W. from thence. run up to the circle off New Castle, cutting the Rivers spring Heads, inclosed is a fine Print of the Earl of Bute very like.

N. of the Lord Proprietors Estate, it is to be observed the Two Houses, at their conference in 1758 on the Assessm^t Bill for His Majesty's service, did not Brake off ab^t Tax of his Lord^{ps} Estate, But upon parts Prior in the said Bill of Unconstitutional influence, by the Lower House adhered to & to which they have kept to since, upon their renewal of Offer of the said Bill; with Addition of reflections ag^t the Lord Proprietor. Of his Lord^{ps} Quit Rent Tax, why? in that right he stands as doth his Majesty's Quit Rent throughout America. Respecting the Militia, stiled by the Lo: House Volunteers not so the Militia Act is perpetual, a necessary prerogative confirmed to the Crown, a Power his Lord^p & His Heirs must strictly adhere to ag^t all chicanery by that House to Abrogate, 'tis a fundamental Act; these matters are of peculiar Notice ent^r aff:

I have not as yet rec^d Doctor Bevis Answ^r to the Papers laid before Him.

To His Excell^y Gov^r Sharpe.

[Cecilius Calvert to Horatio Sharpe]

London April 27th 1763

Sir.

I answ^d mostly y^r Let^{rs} rec^d By mine the 1st of March last as to particulars; sent in a Box contain^g Deeds &c^a transmitted by a ship of Mess^{rs} Hanbury up^{ds} three weeks agoe. in that Let^r I acquainted you that Doctor Bevis then had not given his answ^r relative to the proceedings of the Commiss^{rs} & Surveyors in the run of the Boundary Lines at their last meeting at New Castle & on the East shore. of w^h the Doctor's Geometrical sentiments you have herewith. Y^{rs} of

Jan^{ry} I have the 10th of mine the 12th of Sept^r last, & am well satisfied that all provincial concerns under your Conduct will have happy Issue during his Lord^{ps} absence, w^h I fear will be longer than ought to be; By his last Let^r at Naples the 14th of March rec^d he says, the 3^d of April he shou^d take his departure for the Levant Islands, in his Vovage to Constantinople, where he designed to be in the Autumn Season; I hope his venture thro' such Climates may prove successful. the risque is very hazardous. Regarding the Addresses on the Birth of the Prince of Wales, from you & the Council of Assembly to the King & Queen w^h I wrote you were presented, was before the receipt of y^{rs} above. Opening y^r Let^r to his Lord^p of the 15th of Nov^r; it feeling Bulky, I having on such occasion his Leave, I rec^d inclosed y^r Acco^t to his Lord^p for 1762 & y^r Bills of Exch: value £261.8.1—Bal: of acco^t to him, the Bills I have deliv^d to Mess^{rs} Hanbury for his use. As for the preced^g year, y^r Acco^t to him I wrote you Acknowledgement last year. Y^r Pipe of Madeira for My Lord & 10 Hams are rec^d the latter were to a come by Cap^t Ayres. the Dozens of Wine & other Hams not deliv^d Touching M^r Key, M^r Ross & M^r Scott, I wrote early enough to have his Lord^{ps} answ^r if it shos^d happen his departure to the East was before my Let^{rs} arrival, on any intelligence thereof I will give you Notice for y^r favour to them; However, particular to the two Latter, M^r Ross having complied by y^r Acc^{ts} paym^t to his Lord^p the Default of M^r Darnall, I conceive no objection ag^t the continuance of M^r Ross Naval Officer nor to the placing M^r Scott Clerk of the Council directly; yet I can't refrain Advice ab^t M^r Ross, represented by Persons from Maryland & also here, that he enjoys many Lucrative Employs amt^g to considerable value; this his Lord^p Notes as too partial & thinks it proper he shou^d yeild a share to others, agreeable to the times; he is Aged & must be Rich. M^r Dulany here has on Occasions spoke of you with great respect, says, the only wish he has is for favour to his Brother M^r Walter Dulany to be stationed in some Employ; that his Brother has been Stedfast to the Lord Proprietors & the Administⁿ of Govern^t near 20 years, with^t any Mark of favour, why he conceives Not. This is a matter I take the Liberty to recomēd to y^r favourable consideration. It will be Gratuity to M^r Tasker & M^r Dulany & give content to Walter Dulany & be productive of Amity to the Govern^t with them who are significant in the province; this may be afforded out of the several Employs M^r Ross Holds, on his continuance Naval Officer; on whose Death M^r Dulany may be his Successor at Patuxent Port. The only Cause that moves me hereunto is Union; tis the Duty of me & by My

Office (de corpore Politico) employed to procure Peace & maintain Amity between Man & Man, may safely come & go; & the means thereunto (such are these Men comprehended) Discord by all means to be avoided. The Groundless discontent in the State here is prodigious! proceeding from His Majesty's Benevolence to the Earl of Bute, one of his Chiefs in the Train of his youth, & for whose obsequious Behaviour His Majesty has thought him worthy in Rank & Abilities to constitute him at the Head of the Treasury. He being radically Scotch & of small com̄une with the English, His High step up, has caused much murmur, Discontent & very abusive writings Published, and scandalous Prints exhibited. It cannot be His Lord^{p's} concern in the Peace (that has caused such abuse) it seems the Best Peace Great Britain ever made, advantagious; yet much Discord is rise, whether 'tis from the Quick turn out of the Old Administration & their several followers, or his Lord^{ps} too much incline by preferm^t to the Scotch, or by Admittance of Tories into the Council & Places, or by Extention of Excise on Cyder I shall not say the Juxta of Matters that caused his sudden resignation of all Power & Employ a few days before the prorogation of the Sessions of Parliament, w^h he did. His Majesty the Best of Kings, vexed Doubts Action; 'tis said has offered to reinstate some, they have refused. I instance this as proof of the instability of Power attendant on Sovereignty.

I desire y^r trouble of favour, to turn to his Lord^{p's} Instructions with you dated the 16th of Dec^r 1756. relative to that part concern^g the Act of 1704 the support of Govern^t, as the several Laws that have been relative are upon Record in the Province, 'tis of consequence to know here, if the citation of them in that Instruction is right; as to the Dates; & y^r opinion is desired upon the Argum^{ts} propounded on that Subject & matter therein. And likewise the favour of y^r knowledge, concern^g the 14^{teen} pence p^r Ton on Ships, whether the Evidence of the Division of that affair before W^m the 3^d Try'd, is upon Record in the Province?

I observe in the Journalls of the Lo. House Viz. A Bill intituled an Additional Supplementary Act to the Act, Intituled an Act, for Quieting Possessions & Enrolling Conveyances & securing Estates of Purchasers "It will pass here, provided the Tenour of the Bar acknowledges & ascertains his Lord^{ps} Alienation Fine to be paid at Enrollm^t according to the Patent, his right Held here is indubitable, his Lord^p here by remove, if given ag^t him in the province is advised to have recourse to the King in Council, if the Bill's

Intent is Satisfaction to L^d Proprietor, be it so it will Do, that being really so, in its progress Silence is Best; this I hint to you.

The Laws not being transmitted, I pray y^r favour of Notice, when the Currency Act Expires, for Re-Export Duty ffee on Loss of Tobacco by Vouage; I think 'tis next year, after I shan't Sign Certificates free to the Rec^r Gen^l Politticks & men are in a Confused State, this summers Employ will be fully engaged in righting the date for the next meeting the parliam^t The King of Prussia is turn to Berlin his Capital, victorious. His Peace with the Emperor Empress Queen & King of Poland is Glorious to his Crown & People. Our Behaviour during the War, our Successes are resplendent, with conclusion of the Manila Islands by Admi^l Cornish & Col. Draper & they have gain'd immense Treasure.

Y^r obliged H^{ble} Serv^t
Cecil^s Calvert.

May 2^d

Pos^t M^r Plater requests for favour, I have refered him to you. here is a Col. Barnes, says he has been of the Assembly; thinks of returning. I should be glad to know his Behaviour & disposition to us, 'tis here said, he is of good Circumstances, rich. Y^r opinion ab^t his being Rec^r Gen^l will be Acceptable, he speaks very respectable of you, No discourse has been material bet. us, I shall hint not to him Unless you Approve. It is Best to send wine or Hams by the Mess^{rs} Hanburys ships they are his Lord^{ps} Cashiers, their Cap^{ts} must take care, others grumble & expect favours, Besides Pillage. The New Administrators here are regarded of no Long stand^g much Hurly Burley, the King House in S^t James Park, by his Majesty purchased of S^r Charles Sheffield. The City of London, Bristol nor Liverpool nor York have addressed as yet the King on the Peace, most other Places have. You must consider on that Subject to him, otherways, I fear he will Note you and the Province wanting in Duty, tis a Capital Affair. We have had a very severe Winter, the spring not favourable, all things for Life very Costly & scarce. Episcopacy push for a Bishop at Quebec. Presbytery & Quakers &c. oppose Ecclesiastical Jurisdiction in America. this day M^r Wilkes member of Ailesbury committed to the Tower is bro^t to Westⁿ Hall for writing the North Britain inclosed.

[Cecilius Calvert to Horatio Sharpe]

London May 8th 1763.

Sir

Having wrote you fully on all Affairs by mine the 1st of March & the 27th of April last, this Let^r is only to acknowledge myself to you by M^r Dulany on his departure for the Province His Behaviour here with regard to you has been on Occasions in discourse ab^t you very respectfully & often said, that you are a Person much to be Esteemed in y^r Conduct of Magistracy in the Goverment, that he believed your merit was truly deserving from just applause. said, he had no other wish nor favour to ask But for his Brother M^r Walter Dulany. I replied, have you mentioned such to the Gov^r he said yes, without Effect, that M^r Ross was loaded with valuable Employs some one of w^{ch} would have been acceptable to his Brother & said, he had no Ill to M^r Ridout nor to M^r Scott, however, thought others might with reason Especially of the Council, more influence in the distribution of favours than they felt they had; this he spoak only with regard to expectations of the Council & of the old family Settlers in the Province that are deserving. Says he, the Gov^r has a good disposition, Generosity & Benevolence in Nature towards persons in the Province; on my own part I am to praise him my self I am obliged to him & desire to commune with him sincerely & to keep well with him; he is a Person of proper Appointm^t in the Station he resides in. We discoursed on matters of the Province, says he if the Packet sent to the Franklyns had been delivered I wo^d have answ^d the I.o. H. are extreemly absurd. On parting & the delivering this Let^r to him I told him I had favourably mention^d his Brother to you, he thanked me. I am surprised no Let^r from L^d Baltimore since last March, the Inclosed News Papers will impart strange Catastrophy on the close of the Earl of Bute premier Minister, who is retired to his Seat in Yorkshire, Pray God avert all Evil, better he had not been Born, he hurts a good King.

I am with all Respect

Y^r obliged H^{ble} Serv^tCecil^s Calvert.

Pos^t The young Duke of Brunswick is expected, he espouses Princess Augusta, a few days past spoke to the Cap^t by whom you sent the 4 Dozen of Madeira, he s^d he had 3½ Dozens, he has not sent it, says he has no Hams. I have eat one of the 10 rec^d very good fine flavour, very Bad Spring wind East, N. E. Great Discord in the Cyder Counties, on Excise on Cyder, Bonfires, the Effiges of the Earl of B. Burnt, Hallow, Wilkes Member for Aylesbury for Ever!

Liberty & Property! down with Excise & $\frac{1}{2}$ on Porter,
Down with Bootes. Huzza! these are the chimes of the
Times.

May the 9th on closing I have a Let^r from his Lord^p at
Naples. he approves of y^r appointment of M^r Key to be of
his Council & a Member of His Upper House of Assembly
in Maryland He likewise approves of your placing M^r Scott
as Clerk of the Council on the footing & in the same manner
as been usual Practiced by his predecessors the Lord Pro-
prietors & you are to Act Accordingly. I know not how you
have expressed on this Latter matter of Appointment to
him i: e. of M^r Scott, he terminates the appointm^t to be
without discourse to be with the Up^r House, as to their liking
thereon, w^h would be giving them a precedent to consider of
what they have nothing to do with. that being so he forbids
y^r desiring any such thing says tis his undoubted right to
appoint

To His Excell^y Gov^r Sharpe in Maryland.

[Cecilius Calvert to Horatio Sharpe]

Woodcote June 20th 1763

Sir

I have the pleasure of y^{rs} April the 26th Hope e'r this my
Let^r the 1st of March is with you, transmitted in a Box with
Deeds, Let^{rs} & other provincial Papers. Since, I've write
By M^r Kay & By M^r Dulany; By the last to you My Lord's
approbation of M^r Kay the Elder to be of the Council & M^r
Ross as Clerk of the Council. Y^r Let^{rs} have had Loss & ob-
structions & mine in their passage by Winds & the Enemy.
By the Latter Now not Subject, from a Glorious Peace & of
which I give you Joy; the Happy Event is prosperity to
Maryland & his Majesty's Realm in America; & must tend
much to the improvement of his Lord^{ps} Revenues under the
happiness of y^r Attention. By his Lord^p Naples the 2^d of
May his departure was for the Levant to Constantinople &
the Islands by Greece, at the first he designs to winter, so
barr expectation of his return till ab^t Mich^{mas} twelve months.

From Rome is arrived a Large drawing of the Trans-
figuration of Our Saviour taken from Raphel's most famous
Picture the Alter piece of S^t Peter's, the Copy is Excellent,
sent by my Lord a present to the King. Some few days past,
I had the Honour personally to deliver it to His Majesty,
who received it Graciously. I was near an Hour with him
alone, he spoke much of Maryland; Int^r A^{ts}: Ask'd if the
Province was Quiet^r I reply'd yes, says he Quite Quiet? I
answ^d Save Sir, such Persons as are in all Govern^t of Dis-

conted minds, mischevious; too often thro self Interest and Ambition; he was pleased to say, you say true, and I know it, then Ask'd, How the Governor pleased? Sir very well. what is your opinion of him? I reply'd, That of a Person of exceeding Honesty, Brave & resolute, & in the due execution of Administration of Govern^t very Adroit & just, & of Character all deserving; he ask'd How long has he been Governor, Sir almost Eight years; He then was Graciously pleased to say, you give me pleasure your character of him, & I will approve him. My regard for you & y^r real merit, I could not let pass Silent on a Subject so Essential to you; That of His Majesty's most Gracious Testimony of his Approbation & acceptance of you; and I have wrote My Lord the contents.

Y^r inclosed minutes of the Surveyors to the 25th of Oct^r last I have transmitted you Doctor Bevis answ^r Geometrical, & have their answer or minuets by you return'd the 30th of May; I observe little done from the Badness of Weather. You do right the giving no Obstruction to the Lines. Since my last on this Subject, I have had interview with the Mess^{rs} Penns, and we are come to a determination as follow, To send on each side a Mathematician to facilitate with Necessary Instrum^{ts} for the Accurate Execution of the Lines; they are the two famous Persons that returned last year from S^t Helen's Island, East, having been sent by the Lords of Admiralty to take observations on the Transit of Venus there. they at present in Country, are wrote for

The Hams by Cap^t Ayres that were to be sent a Dozen from you 10 are rec^d, the other Dozen not, & of the Dozen 4 of Madeira wine, 3 Doz. 12 is come. You'l give his Lord^p much pleasure by y^r Stock of Madeira laying to meliorate by y^r climate for him. I am very thankful for y^r remittance £123. Our Enemies Let them vaunt, their Superiours will make feel they are mistaken. I am with the greatest Esteem

Y^r faithfull friend & obliged h^{ble} Serv^t

Cecil^s Calvert

Pos^t Lord Bute out of all employ &
Govern^t Affairs, retired strong grumble with the Great.

[Cecilius Calvert to Horatio Sharpe]

London April 28th 1764.

Sir

By this opportunity a ship of Mess^{rs} Hanbury, I transmit you Parliamentary Acts con^g America, pass'd last Sessions. Con^g Taxation of all foreign Traffick of Effects Landed in the Colonies, & an Act for the growth of Hemp & Flax, also

an Act of prohibition ag^t any Act to pass in the Colonies as Currency Acts, Legal Tender on money paym^t I hope no Supplementary provincial Act needful, But that the present cur^y Fund will answ^r totally to pay off, as reasonable to suppose that many of the Curr^y Bills are by heedlessness lost or destroyed as may answ^r defficiency; the Act has been of Little utility, as to specie Sterl^s Spanish or Portugal the Colonies may have Supply from hence perched by weight, w^h on Cur^y ad valor pro rato Coin'd on paym^t will render much gain.

By Cap^t Love I wrote you fully upon all concerns. I am informed a Scotchman by name the Rev^d M^r Hart, has taken his departure for Maryland. Upon distant application in an odd way he applyed to me for Maryland Benefice, I refused; his friend a Scotchman, not of the Best fashion to Lord Baltimore's affairs. Tis by Scotch influence they make application to the Bishop of London & so yet ordained & by order of appointm^t to be provided in Benefice in Maryland this of dangerous Preced^t upon the Lord Prop^{ry} right as admittance ag^t his Consent & knowledge, as well of imposition on the Bishop, who is pester'd with the scum of Scotland, who accept England's Divine institution only for Lucre if check be not given much inconvenience will certainly arise & embarrass his Lord^{vs} right to his Benefices, the person herein mentioned, had the folly among Sev^l recomendatory Let^{rs} he sent me of his being a Gude Mon, was one Let^r to the Archbishop of Canterbury, I observed to the Party saying, was this Let^r delivered to his Grace? Yes Sir says he, Aye, how comes the Let^r with M^r Hart if rec^d by his Grace? did his Grace return it, saying he wo^d not medle? the party Blush'd, made no answ^r I desired him to take away all his Papers making him a Bow. they had apply'd to the Archbishop of York he would not medle; these two Bishops have with respect to his Lord^{ps} right applied to Lord Baltimore for Maryland Benefice Viz. the Rev^d M^r Keene & M^r Dowie w^h from his Lord^p to you, you have fullfil'd by Donations to them & another instance was from the late Bishop of London, a Divine who upon the resignation of the Rev^d M^r Jones succeeded to M^r Jones's Benefice, these are tokens of regard & of thanks to his Lord^p Besides stocking the province with Low mean Scotch in an Essential concern, who turn Spies on all provincial affairs the Supply of them fore-stalls My Lord & hinders his Gifts himself, either from hence or of Persons in the Province, who have Native merit. this Liberty I hope you'll excuse as having had a hint from his Lord^p before he went abroad. the Rev^d M^r Love was by my

recom^{dation} ordained in the Arch-Bishop Chappell at Lambeth & for whom I pray y^r friendship.

Lord Clive has the red Ribbon, made comand^r of Chief and Gen^l of all his Majesty's forces in the East Indies, some regim^{ts} go with him & many Voluntiers of Rank, he is appointed sole Gov^r & Com^r by the East India Comp^y with Large Sallary 'tis said the Comp^y has purchased the Nabob's gift to him of £30000 p^r ann. for his Life ab^t £30000. he is well to be stiled Fortunatus. L^d Halifax has the Blue Garter, much talk of Regim^{tl} Colonels to be dismissed.

May all Happiness attend you. Cecil^s Calvert
To Gov^r Sharpe.

[Lord Halifax to Horatio Sharpe]

St James's August 11th 1764

Sir

It is His Majesty's Pleasure that you do constantly transmit to me every Information, which your utmost Diligence & Attention can, from time to time, procure, in relation to the illicit Trade, which may be carried on within Your Government; to the Methods, in which it is concerned; and the Extent, to which it is carried; the Means of preventing the same; and the Conduct of the several Officers, who are employed for that purpose. And whenever it shall happen that you have not been able to procure any Intelligence upon any of the Points abovementioned, you will take care to mention in your Dispatches that you have no Informations of that sort to communicate.

I am, with great Truth & Regard,

Sir,

Your most obedient
humble Servant
Dunk Halifax

Horatio Sharpe Esq^r
Lieut: Governor of Maryland.

[Cecilius Calvert to Horatio Sharpe]

London Oct^r 17th 1764

Sir

Inclosed a Protested Bill of Exch^{ge} of 30£ sterl^s from you, my absence in the Country has been the occasion of my delay of transmission of it to you & my answer to several of y^r Let^{rs} & to which at present I can give you but slender answers; By a Let^r from his Lord^p at Neuremberg in Germany, the 12 of Oct^r he says he shall be at Cattes in ten days.

he will mention me to you with full instructions relative, on his return soon.

It gives me pleasure y^r Acco^t that you think by the Mess^{rs} Mason & Dixon's proceedings in run^g the Boundary Line North, will not touch the Northermost Bend of Potomack River.

M^r Franklyn arrival here will strike no Terror, may be trouble, But I think y^r conduct and the Up^r H. Behaviour will justifie you were not in the wrong

The Pamphlet you have sent upon sent by the Up^r to the Lo. House is a Rapsody of abuse & is from the same offspring Published Nov^r last, in our diurnal Paper call'd the Public Ledger. the material matter that People stare at is Page 29 ab^t an Agents Bill he says the up^r House rejected it, because they think it unjust and oppressive; say the Lower House, we will Appeal to his Majesty and Let him decide between us. No says the Up^r House we will submit to no such Appeal. this may Effect the Up^r if true w^t is not to be credited. I have searched the Journals of Assembly sent to me, find no such altercation as aledged (I observe M^r Rosses returns of the Up^r House are difficient, both as message & replyes not entered in that House's Journals) the author of the rancourous Pamphlet we will submit to such Appeal our superiours stare, they observe if not true? why has not the Up^r House or Council given some Mark upon the circulating of such a Pamphlet in the Province from whence it is sent. I wish you had Noted on this so Extraordinary a Point to me true or false? you have very justly exemplified con^g the Pamphlet & of that in the Public Ledger a few more remarks would have been a complet answer as to matters on remark of the Remarker, on the Subject matters unfairly represented; I have attempted an answer but my friends dissuade me from printing of it. thus stand all matter con^g in chaos, save I have denounced ag^t all Credit to the Pamphlet.

With regard to Ordinary Licenses, you seem to hint objection ag^t the Inst^{ns} sent in 1755. Id est the Printing of them. the first Paragraph is strongly delivered with the greatest regard to his Majesty and his Subjects & the Gift of them moved and bestowed with real Generosity and tenderness, as to the reservation of right after the purpose of Gift was answered, I can't conceive why not, it is most certainly his right. The Little regard the Lo. H. had shown after repeated messages you had admonish'd them why they did so at such a time of imminent danger they are to answer, if they took the advantage at an unfortunate time to extort

that right are they to be commended, reflection is on them, and not on him who yielded to a good Action.

Of that part relating to prudence ab^t putting the Penal Laws into execution ag^t R. C. It was Judged here a caution necessary they had by no misbehaviour forfeited that usage of Protection, & the Protection was directed no otherways than exercised by his Majesty's Given Rule of Government, throughout his Colonies. this cannot be wrong.

The article in defence & support of the supreme Magistracy must be surely a right admonition, Especially, as you had been wrongfully attempted to be infringed upon, by reflection on y^r Mercy.

With regard to y^r raising the militia at a time of such eminent danger which you by Law had a right to do & was absolute necessary, it cannot be wrong to thank you for vigilant & good Conduct therein ag^t the Enemy the invaders of his Majesty's Crown & Dignity.

Respecting the Latter admonitions. what are the contents but only to this Effect viz. if any addresses are presented to you concern^e any matter to the chief; he desires you'l transmit them to him for his answer. & says he deem the appointment of an A. here can be no availment but that of vexatious trouble &c^a The right is in me to redress & of which I shall not be wanting on matters Bona Fide layed before me. therefore do not suffer y^rself from false spacious pretences by Crafty designing men to impose on you & the C—l, the consequence of which would be plunging me into a Sea of troubles and of this Beware of the first Step!

It cannot be observed him to maintain his just rights & to claim a right of remonstrance to him on all matters, will they take, they cannot deprive him of his rights *Nolens Volens*, is his acquiescence of a Gratuity to be construed a deprivation of his right, he has by Royal Charter and this a Prerogative right, most certain he can bestow ag^t the Crown's right. His right to Ordinary Licenses & the exercise of that right by his Noble Ancestors & allowed by the Lo. H. is full exemplified, & is Evidently maintained by the Up^r H. and apparently appears at several Periods of time set forth in the Journals of that House. from thence my mind is impressed that his right to such Licences is indubitable of right to him belonging. and the cause of my writing to you to get all things upon Record or any shape as use to maintain that right brought surprisingly into dispute. The Up^r H. both alleges—us & Council are sure in Duty to preserve such Pre—tive rights, it can't be supposed they'l join in striping him, they who are to keep up the Land pranks—and

to strip how? because others are seized with a pretended Zeal for Learning; & this they will do, nor shall the Crown nor the Lord Paramounts have any Advantage, Honour or Credit, now or at any time either by appointment of a Premier-head or of others or of any managem^t of that they Stile their Academy. And a design may appear what then? we will allow no Rent for a Gov^{rs} House, & strip him of all right claim he has to the Gov^{rs} House that has been Building, w^h we out of our perverseness will not finish & thô the ground it stands & the Environ ground was given by his Father &c^a and this done with^t any remonstrance or gain from his favour of Gift. as to Right Prerogative or rights ancient or modern or at any time by our predecessors allowed 'tis a Farce—the P. & Up^r H. in Legislature are pro forma tantum. their Council Capacity as Guardians of Rights in Nothing, we are the Bible, Gospel & the Law. such is the way of such men reasoning & in the part they Act, But it is to be hoped their superiours will see their Bad Bait & hook. For my part nothing shall make me yeild to give or be instrumental in dispossessing others of their right. I will not be Guilty of any Breach of Trust. My Lord I expect every day here; I will with all convenient Speed for dispatch to you for y^r Conduct, Break & lay the whole matter before him. In my opinion Remonstrance to him will gain favour from him. Appeal to the Crown is very proper & such a Bill for that purpose as described in the answer to the Querist & Remarker, will be a very just Bill for you to pass & his Lord^p will readily give his Assent with pleasure to such a Bill he's innocent & fears no danger, his Actions will prove Justice. Excuse me if you think not proper the instructions in 1755 why are the Houses to see them? than you did the Crowns & Proprietor's Instructions upon y^r Controversy with the L. H. ab^t the Statute of Queen Anne, con^g valorem of foreign coin in America.

Regarding Persons keeping Ordinaries &c^a with^t Authority Licenced, they are to be prevented, How can they with^t authority, the King's Peace must be maintained, which authority is in you & the Conservators of the Peace, the Justices of the Peace as in England & His Majesty upon Emergency Acts by and with advice of his Council. As I am sensible much baseness is now in M—d and propagated. the ord—y Li—cs & are mine by my Commission & they are so I had rec^d if my Deputies had done their Duty, w^h they have not; therefore, all gain thereof I renounce. I have submitted to too little share of my office in comparison to what it yields to my Deputys, who sell all, contrary to my design or leave,

& deceive the People by false Popularity. as to a fee for ordinary Licences was trifle—my desire & now I desire none.

I am sorry for M^r Bordleys Illness so bad as may occasion his resignation of the Com^{missary}'s office he will be a Loss to the L^d Proprietor & the Province, a useful & deserving Person. M^r Goldsborough I think with you very proper to succeed him as Com^{miss}^{rs} I have no doubt of his Lord^{ps} approbation. with regard to the Popular Counsellor he's a mimick of M^r Pitt or of M^r Franklyn at Philadelphia ab^t his Brother, stay till you hear further of my Lords consent. that Gentleman is rough & hot, I Qu^{re} content to him. you seem to think I like not M^r Ridout, I like him as y^r friend and think he's deserving. shall at all times serve him & have. My Lord thinks it was wrong Policy y^r carrying him with you, as a stranger introduced into Employ has occasioned much murmur and discontent. I hope M^r Lloyd will continue Rec^r Gen^l 'tis with you to place & recom^d to his Lord^p I know not Provincial People but En Passant.

I am glad to hear the Powder & Ball is arrived safe the Indian Peace with us, is said here concluded. touching the Maryl^d Laws by the Rev^d M^r Bacon, I think his publication cannot answer here, for most of the Acts passed by Cecilius Lord Baltimore are Entered Lists of Acts only & others many are abbreviated, they will be of no Signification to the Lords of the Council or Lords of Trade. None of those Acts are here nor the late Proprietors except a few of the Support of Govern^t I have all Acts since y^r time in the Govern^t Several Acts by you returned published, their sheets are fastened at the Bottom of the sheets together by the Provincial Seal, prevents their being bound up in a Book. As to Provincial Seals, I have no impression in any shape to Guess neither the Typical words, nor the formation as to the Crown & figures, the Supporters, upon y^r return of draught to me, I will transmit to you the Seals you require.

Bank stock rise from 113 to 121½ this I hope will fully pay off the Provincial Cur^y The ill-usage by the Province will not incline his Lord^p in favour of such an Act, a Loss to him during the war at least 600 p^r ann. I have wrote you a cursory Let^r in haste Excuse Errors, the ship being on her departure. the Parliament meets the 10th of Jan^{ry}

Y^{rs} Sincerely

Pos^t Cap^t Love arrived
in the Downs.

Cecil^s Calvert

If y^r resolution continues to M^r Goldsborough, mention me to him, inclosed a Let^r to M^r Brice I have complied y^r desire, all Quiet here, the Minority Dwindell's. Its immense from

the East Indies, men return with half & whole millions a 100000 man call'd moderate. the Price of Land so rise tis common now to sell & to have double income by money interest.

[Cecilius Calvert to Horatio Sharpe]

London Jan^y the 16th 1765.

Sir.

I have answered by former Letters some concerns of Your Letters received from you since August last, and now inclose you his Lordships Instructions to the main points of your desires. The Instructions of the Sale of the Manor Lands, The Purchase Money is from Opinion of M^r Daniel Dulany to My Lord, the Quit Rent proposed. five shillings pro rato hundred Acres, as these Lands are pick'd Lands is judged moderate; if these propositions are Errors? Yours and the Gentlemens Judgements will rectify here such Error, which You'll receive by return.

The Instruction of the Alienation Fine is what the Proprietor will adhere to, as founded upon undoubted Equity his Due; a Tryal here before the Lord Chancellor would evince that. By intelligence from the Province, M^r Lloyd is accused of neglect of the Alienation Fine in suffering the County Clerks omissions in Acc^{ts} non-payment, this is easily rectified as the Provincial County Courts where such matter must stand Recorded can prove Evidently the wrong, if true. the Clerks deserve no favour; I have admonished M^r Lloyd thereon, when you meet, hint to him as from hence. The Instruction to Attornment of Tenants in the disputed Parts, the Equitable Terms must facilitate their attornment, the Limit Lines when compleated, by Petition of both Parties to the King will receive His Majesty's Authority as fixed Boundaries between Maryland and Pensilvania to each, as to Dominion. By your Letters of the Limits now running, the Mess^{rs} Mason and Dixon the Mathematical Surveyors have carry'd on their operations Quietly; I learn from you and them the Tangent Line twelve miles West of the Circle round the New Castle City is finished from the Meridian Line South from Fenwick Island. My Compl^{ts} to them for their intelligence; and am glad to hear of their health, and that the Swamps of Nanticoke River has not hurt their Constitutions, their next operation is the North West Line between the Provinces, it is there his Lordships Gain will compensate his Loss by the Tangent Line at the Circle round Newcastle, that North West Line truly run, will give advantagious Territory to Maryland, therefore, Watching Eyes must trace that Line

West to the farthest Limit, as of Altitude, for a Line drawn to the Meridian Spring head of Potowmack River South, the South and West Boundary between Maryland and Virginia, according to the flow of the River Potowmack. The Inst^{ns} on Behalf of Walter Dulany, I hope will suit, I Question? 'tis the Elder and M^r President Tasker that causes that favour. The Elders Behaviour in the Upper House you cite, surprises me not, I am sensible M^r Commissary Bordley is check to him. But I suspect his Popularity, a Character too often asumed to Controul Authority by the gain of Applause, Vox Populi, and so by Reprehension of Publick Actions, affect Popularity and Applause amongst the Multitude, by which they may have a Fraction in the Commonwealth at their Devotion. If his Votary is M^r Franklyn of Philadelphia, that mock Polititian is arrived here freighted with all Injury against his Chiefs who he is indebted to for friendship, which his Affected Popularity renounces; he has Unbudgeted at our Political Warehouse the Craft of his Brain and of others his Dupes; their false Machinery is flimsy and of Base Metal, is said refused at our Polemical Warehouse not Sterling. The Quack Cheat cuts a Puff in his Charriot, Eats and well-entertains with our Delicases, the Derision of his Dupes. he whispers compl^{ts} from Maryland, But as he has meet with check about his Mission of others, tis apprehended, he will unbudget ex parte folly, rather, that he will pocket their Coin, under pretences that at this time their Polemical Fantasims will not ripen in this Climate. They had best remonstrate to his Lordship, or join in a Bill of allowing the Up. House equal expences to be paid with, the Lo^r House for Tryal before the King; tis right the Up^r to frame such a Bill, if refused be it upon the Lower House. By this Opportunity you have an Answer to the Queries on our Proprietary Governement, and an Answer to the Remarks upon a Message sent by the Up^r House to the Lower in Maryland in 1762 containing a defence of the Lord Proprietor and Vindication of the Up^r House &c. the answer has only been circulated to Our Ministry of the Cabinet, as answer to the Queries and Remarks secretly delivered to them; the answer is approved, if the adversaries pass silent other Publick notice here? all further prohibition by the Defendant will rest; leaving it to Your prudence the circulation of Answer with you, as matter and motion Jumbles, My Name must be unnoticed.

The Instⁿ of M^r Holliday, I wish Joy of his Lordships high favour to him as of the Council; I think he has real merit for that Station and that He will be grateful to My Lord.

The Instⁿ of the Lord Proprietor Assent to the several Acts of Assembly, you will observe, The Act, for the Relief of Creditors in England against Bankrupts who have imported Goods into the Province not accounted for that Act is not included by his Lordship among his List of Acts assented to by Him, Why? because, he is not clear in opinion, but that the Traders here may have objection as not apprised of that Act, if no objection arises, the Act as Enacted has its force, if objection is, he thinks it right Policy to reserve to himself his Assent or Dissent. I observe the Legislature deals forth Acts, Indefinite and Perpetual, very positive words; such Laws ought to be pure as Gold; by human, I fear scarce any such Laws are, therefore, much Care about such words should be as they are Periods. all Plants are improved by Pruning.

I cannot at present relate about his Lordships points to you, concerning the ordinary Licenses &c. that matter laying before M^r Yorke, esteemed the Chiefest Counsel at Law, his Eminency causes so much resort to him 'tis longer his Opinion issues, the Matter he had the beginning of Dec^r last, I expect daily his opinion, from thence his Lordship will found his Resolutions on the Subject matter of Ordinary Licences, and as no Ship is yet for the Province, I am in hopes it will be inclosed in this Packet for you.

Tis Surprise! the Lo. H. attempts upon the Proprietors rights, sans complaisance, without any remonstrance to him to offer to pass a Bill on his rights and for his signature, very familiar, to an Object of high rank and authority. I observe an Observation is mark'd "He who hath a right to any thing is intitled to a remedy to recover it, if with held, Legal right, and Legal Remedy being convertible Terms." if institutes of our Laws report right, the Common Law and the Crown Law are not two different Laws; though almost in every case the Law for the King is not Law for the Subject. The King has his Prerogative in all things that are not injurious to his Subjects, and under which head his Royal Charter hath claim and support. the Law as to Property and suites I am not Lawyer to determine, but this seems, that the side observed against has Claim, the other side cannot have any claim but by an Express Law the late Lord had 1000£ of Tobacco for Licence of Ordinary in Maryland and 500£ of Tobacco for Licences in the Country, with^t retrospect back to Cecilius Lord Baltimore, who if I am informed right, had two thousand Pound weight of Tobacco as Licences for Ordinaries, suppose the Penalties are acquiesced to as offer'd and expected.

I am glad to observe this Instant, by the London Gazette Jan^y the 16th by Major General Gage to the Earl of Hallifax New York the 13th of December last, advises "That the regular and Provincial Troops under Colonel Bouquet having been joined by a Good Body of Voluntiers from Virginia, and others from Maryland and Pennsylvania March'd from Fort Pitt, the March of the Troops, threw the Savages in the greatest consternation. They were told that they might have Peace but every Prisoner must be delivered up. That they must appoint Deputies to go to S^r William Johnson, to receive such Terms as should be imposed upon them. The Indian Nations submitted, and appointed their Deputies to go to S^r William, and tis hoped a General lasting Peace is concluded with all the Indian Nations, who have taken up Arms against his Majesty; this is brave and good News, and now all other animosities would a ceased, whose fault? But the British American rancour, which sends sort of Ambassadors to fix by their Calumny their disobedience to God, the King and to their Neighbour. Brag may be a good Dog, but Hold fast a better, The Mother Country will hold them fast.

I shall here drop all Polemical Matters. My hearty wish is that all Discord may be removed and that fair dealings may lead to Quiet and happiness. His Lordships wishes are Union and Equitable Proportion of Things to Him. He sends you his best wishes and thanks for your endeavours for his service and the Province, and for which He holds you in high Estimation and Friendship.

I am with all respect and Esteem, Dear Sir

Yours most sincerely &c
Cecil^s Calvert

To His Excell^y Gov^r Sharpe
in Maryland

Pos^t

The Ins^{ns} and Let^r speaks fully in Point, I doubt it's giving Content, the Suspending Clause you have in Your Publick Inst^{ns} at any time to resort to. if the Instⁿ is not complied with You are clear off from Assent the wrong Measures and Proceedings of the Colonies has brought on them here the 7th Inst^t a Bill upon ways & Means, The House of Commons resolved, that a Stamp Duty of 3^d Sterling charged on every skin of Parchment, Vellum on which shall be Engrossed written or Printed and declaration &c in any Court of Law within the British America, last year the first Stone was laid, this year another, and ill be succeeded by every Ministerial Builder untill the whole American Structure of their Folly is by the Mother Country compleated on them. The Com-

mons was full, but not a Member ag^t a Taxation on them nor an Advocate that could or did offer a better Lenitive Scheme. The Maryland Clause of no Taxation on that Province was Read and Observed upon contained in its Charter. The Argument made use of that Province upon Publick emergency is Subject in like manner with the rest of the Colonies, for if that Doctrine was to be admitted, The Soveranity over that Province would cease, for as that Province was in Protection under the Mother Country that Colony must pay for its defence pro rata inter alj. with the other Colonies that if Objection was, Why a Duty on its Staple of Tobacco and Subject at present to several Acts already passed on all America, since the Grant of that Charter, No advocate denied the the whole House was silent in Answer. The Marylanders may

they must admit them and use them or their Deeds &c. be in Law Null and Void. the Authority will stamp Evidence to their Actions and prevent forgery by alteration of Dates &c.

The Sec^y of States Warrants against M^r Wilkes was debated untill five in the morning in the Commons, after all Debates the Majority was 30 a head the Minority, that as that affair was in the Lower Courts of Law not determined the Commons voted no Issue with them on that affair untill determination issued by the Court of Law. M^r Franklyn Charge des affairs from Pensilvania, resides and lives well at their Cost, and will I learn return them their rancour and folly to amend, he looks much down. Lord Byron has slain a M^r by what I learn fairly according the Violent Rules of Duell in discourse. Italy & Bohemia has been to the French their Graves, alike is our West Indies to us the British. All Quiet in Europe Hemp and Flax is hoped from America to hang up our Rogues here who swarm, the direful Effects of War. I am sorry for the death of M^r Comiss^y Bordley he's a real Loss I suppose as you hinted M^r Cha^s Goldsborough succeeds in the Office, when you write to My Lord Notice to him and the Person for the Council. the only provincial stands on the Votes single is M^r George Stuart you hint to me ab^t the Benefices, what I recom^d is English, the Earl of Litchfield is our near & a Privy Councillor & Chancellor of Oxford University, such matter will oblige him, on vacancy to notice & Ill tender to him, signife the esteemed worth.

[Cecilius Calvert to Horatio Sharpe]

London April 2^d 1765

Sir

The enquiry con^s the inclosed is by the Earl of Strafford to Lord Baltimore, who directs me to acquaint you that he desires your service and favourable interposition on the Behalf of M^{rs} Rhodes, that Justice may be rendered her by M^r Baxter impowered by Let^{rs} of Attor^y from her & others sent him; of w^h his Let^r and Copy of Let^r inclosed by M^r Pierce to M^r Baxter will fully inform you. if default by Baxter or with the widow of Anthony Rodes. in either case it is requested of you to require that Satisfaction be given by paym^t to the party here. if they refuse, then your friendly interposition is desired, to recom^d a proper and worthy Provincial Person or Lawyer safe to be intrusted for executive Justice ag^t injurious treatm^t for w^h purpose money is not wanted here by the Claim^{ts}

Post^t His Majesty is this day with I am with all Respect
the Queen and Royal family Y^{rs} truly
gone to Richmond to reside, on Cecil^s Calvert
acc^t of his ill Health, by inflammation
a cold on his Lungs, the parliam^t will be
prog^d soon the American Bill you'l receive
from our Govern^t protests to M^r Lloyd

Post^t the inclosed Let^r W^m Shaw at John Semple is to a Lad allowed by Cap^t Dawson and bound apprentice to M^r Semple, Let^r recom^d by the Earl of Litchfield the 23^d of March the American Stamp Duty Bill by the Crown & parliam^t was passed, the cash arising thereby being by the Bill to be transmitted to England this, and the Colonies trade with the Spaniard in America not admitted, must Cripple the source of Cash into our Colonies, the Nerve of trade; all observation joined with paym^t of the American Cash to the troops there in Aid of keeping the circulation of cash in the Colonies alledged, is insignificant here, the Colonies have threatned, Great Britain is come to a resolution to try a better or worse with them, and convince them of Lex Parliamenti M^r Franklyn is Dumb, save he has uttered privately his Approbation of the American policy here. his Charge Des affaires, at the Colony's Cost, best temporised these. I hope Maryland will cast folly, and keep its natural interest with its Proprietor. Jan^y & feb^y I wrote you fully on all concerns with Inst^{ns} inter als. his Lord^{ps} Assent. M^r Goldsborough Commiss^y Mess^{rs} Holliday & Hooper to be of the Council W. wind near two months intelligence late to you. I hope to hear from

M^r Goldsborough. The Boundary stones for the Lines of w^h I have wrote you in a former are in hand a 100, w^h I hope will be finished and sent in May aboard Cap^t Montgomerie, these to make a begining, they are of Portland Stone.

I have y^{rs} the 28th of feb^y regarding y^r request on Behalf M^r Leeds Clerk of Talbot County, to resign in favour of his son he has my consent upon Gain of M^r Dan^l Dulany's my Deputy who pays me, he must settle with him my Deputy. I much thank you y^r remittance to me £125..10^s

April 13th A Bill in parl^t for Quartering Soldiers in America tis said on Public & private Houses. the King much recovered in health.

To His Excell^y Horatio Sharpe Esq^r L^t Gov^r in Maryland America.

[Cecilius Calvert to Horatio Sharpe]

London May the 1st 1765

Sir

Here we have had a severe winter and a very Rainy Spring attended with violent storms S. W. & by S. since Jan^y w^h has prevented three of my packets of Let^{rs} to you, w^h I understand sail'd on Board the Ships at their Rendezvouze at Plymouth the 14th of April by them my Let^{rs} I answ^d y^r several as also y^r filling up the vacancys in the Council agreeable to y^r desire and his Lord^{ps} Approbation of y^r appointment of M^r Charles Goldsborough to be Commiss^y General &c^a the only impost I have to send you by Cap^t Love is, con^g the American Bill by parliam^t for Quartering of Soldiers, is not on private family houses, but then the Bill I hear exemplyfyes smal Beer or Rum & water, Vinegar, Salt & Pepper in like manner as in England & this to be supplied by the American inhabitants in Gen^l M^r Franklyn is silent as to all his Embassy of affairs, he employs his time in delicate Living & obtaining Employ by the means of Counselor Atkins Agent for American concerns, under the Financer M^r Geo. Greenville. May all happiness attend you

Y^{rs} sincerely

Cecil^s Calvert

Post^t The King is recovered resides at Richmond a Bill of Regency in case of accident is agreed by parliament.

[Cecilius Calvert to Horatio Sharpe]

London May 21st 1765

Sir

The Boundary Stones by Cap^t Montgomerie w^h in former Let^{rs} I wrote you are in part by the Cap^t sent for fifty Miles. them carved with the Proprietors Arms are for five Miles distances in range with the others provincially mark'd M. P. as mile stones fifty more are shaping and will be sent by the first opportunity for the completion of the Line run on the East shore if more wanted? be pleased to impost and whether proper the 15^{teen} stone Mile south distance from the City of Philadelphia should not be larger in Size and of more height? being the point from whence the East and West Line between the provinces is to run, to the Meridian Altitude of the spring head of potowmack River; please to inform what number of stones will be Sufficient to mark that Line. these concerns his Lord^p leaves to your consideration and management to be caried into execution, jointly with the rest of his Commiss^{rs} and the Pensilvania Com^{miss}^{rs} who are apprised of these matters from their Proprietors.

In the Polemical vortex in parliament two has occasioned much debate in parliament one about a Regency Bill in case of the Kings demise, the Lords in that Bill impowered his Majesty by his will to name & appoint a Chief for Regency, id est, the Queen or any one that was descended from Geo. the 3^d [2^d ?] until the Prince of Wales age of 18^{teen} years, the com^{mons} returned the Bill with amendm^t the Queen or Princess Dowager of Wales and the Royal family Descended the Bill passed and has the Crown's Assent.

The other a Bill for a total prohibition of work'd silk from Italy and the Levant trade. the french silks by burthen of Duty are prohibited, yet some of our mercers are aledged to have dealings with the french Manufactorys in the South of France, who have sent their silks to the port of Leghorn in Italy and from thence have smuggled them to their Corespondence into England as Italian Silks that pay a smal Duty, these silks give considerable gain to our mercers and afford them to sell at a cheaper rate to the perchaser than they could sell our Spittalfield worked silks. the Bills passed the

I know not how; was rejected by the Lords, the Duke of Bedford appeared as said in rejection of the Bill peculiar, and being charged of the Non-hinderance of the exportation of corn and the continuation of Bounty on Exportation, is said has occasioned this winter Bread to rise 10^d p^r Quartern Loaf, this Latter complaint joined with the

rejection of the silk Bill to prohibit all foreign silks worked for I am informed the purport of the Bill was to admit all Raw silk duty free & a Duty to be charged on all Manufactory silk worked up and delivered at and from our Looms. these Events has been attended with strange consternation & confusion, and mischief has ensued by a very numerous mob the Spittalfield weavers attending the parliament who upon the Dukes return Bedirty'd his Equipage with hurt to his person, follow^g him to his Palace where they began Mischeif, But the Horse and foot Guards arrived in Nick of time to preserve his Edifice & premises from destruction. 'tis said he has resigned all Employ, and much talk is of great alteration in the administration. M^r Franklyn Quiet

Y^{rs} respectfully
Cecil^s Calvert

Post^t Upon closing rec^d a rough written message from Lord Baltimore to me to be sent to you Copy viz.

Notwithstanding the frequent repeated requisitions I have made you to have the Rentals compleated yet this Justice I am debarred from, therefore see plainly that those who Farm the Quit Rents must have reason of Advantage to themselves to keep me from this clear view of my revenues, and therefore am come to a resolution to offer to the best bidders the value of such my Rents as I think might be without Sallary, if not 6 p^r C^t sufficient for as I apprehend my revenues they take at their own valuation no doubt they are sufficiently advantagest.

However he would have care taken not to act any to the Employ^m^t of Farmers except honest men of good warrantable security desires your sentiments how to Act and why the Rece^r Gen^{ls} office is not Establish'd whereby he may gain a view of his private Affairs.

18th instant an Act pass'd the Crown to punish meeting and desertion of soldiers in America I understand upon the same footing as in Great Britain as to Quartring this by M^r Anderson Jun^r who I recom^d to y^r favourable reception.

To Gov^r Sharpe Esq^r
Maryland.

[Cecilius Calvert to Horatio Sharpe]

London July 3^d 1765

Sir

The Bearer M^r Howard is by the Bishop of London admitted into Holy Orders; from his good Character and Testimonials certified by you and other Gentlemen of the

Province, and being recommended to Lord Baltimore both in our Church and State as worthy of Benefice, he accepts him; and directs me to acquaint you (apprehend^g you have no objection to him) to establish him on vacancy by institution to a Benefice in his province, where M^r Howard says, he has been Resident years and is desirous of dwelling, with gratitude to his Lordship. I can't help continuance touching his Lord^{ps} pecuniary Revenues Instructions relative you know has been sent by my Lord concern^g with admonitions from me to M^r Lloyd the Rec^r General, all to no purpose; of which disregard My Lord express's much dissatisfaction and resentment. Provincial People and others who have traversed the province during the last War have manifested Ill-usage Loss, and neglect committed upon his private property by vague management. the disobedience to his Instructions and the representations to him has brought upon his Lord^p determined resolutions, either to send from hence a person well-impowered to settle and adjust such his material concerns or else, to visit the province himself, and this next spring; the latter he seems greatly inclined to, of these his resolutions I will inform you the earliest I can. he intends no remove to you, But in like manner as did his father to Gov^r Ogle upon his arrival leaving you in the State & conditions as you were in upon his departure; relying on you as usual of your good Counsel, conduct, affection and service in all things during his residence.

I am with all Respect & Esteem

Y^{rs} truly

Cecil^s Calvert

To His Excell^y Lieu^t Gov^r Sharpe Esq^r
at Annapolis in Maryland.

Post Aug^t 25th this Let^r long has lain open for want of M^r Howard's departure. A thorough out change of our Ministry has been Effected said by the D. of Cum[berlan]d. It is so, almost all L^d B[ute's] chiefs are out & will be out, as likewise all his private friends in the Lesser employs. the D. of Bed[for]d has had the posse comitatus after him who injured his premisses at Bloombury where a Col^s Guard stood and Horse for his protection. L^d chief Justice Prat created L^d Cambden Geo. Greenville out, Marquis of Rockingham in his stead & new Treasury Board. the E. of Winchilsea Presid^t of the Council the D. of Portland L^d Chamberlain &c^a at Court. L^d Dartmouth 1st Lord of Trade & that Board almost new, Sec^{ys} of State the D. of Grafton & Gen^l Conway the latter the American Division. L^{ds} of admiralty new except the first, L^d Egmon^t new Post masters Gen^l removes at the

Customs and Excise, at the Stamp & alienation offices. officers restored to regim^{ts} L^d Hertford L^d L^t of Ireland. the E. of B—te seems well rec^d at C[our]t. the D. of New Castle L^d Privy Seal, the Event Surprises! the Heroes the E. of Temple & M^r Pitt will not accept, rest on patriotism. the Latter a Large Estate left him & a Pension of £3000 p^r Ann. on his dismissal with a Peerage to his wife & his Popularity the vox populi is, he will not accept on Acc^t the favorite has sway at Court, the conflicts of the State are turbulent. a young Prince Born. God save the King. L^d Baltimore in the Country. one M^r Jordan a sort of merch^t gives out on the Royal Exch: that his Lord^p designs him for Maryland to settle his pecuniary affairs, the Gentlemans Character not the [best] I will obstruct him all I can. I hope M^r Lloyd will give content to my Lord and that you'll exert y^rself in all things and upon all matters to his Lord^p what with vile mischievous designs of Persons in the Province and artifices base here, My Lord is circumvented by pretendid plausible pretences, y^r happyness I have at heart my former Packets confirm'd to you his Lord^{ps} appointm^t by y^r recommendation for M^r Hooper & M^r Holliday to be of the Council & M^r Goldsborough Commiss^{ry} Gen^l more stones are finished for the Lines. here has been a fine summer, and the Autumnal Season is set in delightful.

The Rev^d M^r Howard the Bearer is deserv^g. I therefore hope and wish your favour to him

[Francis Fauquier to Horatio Sharpe]

W^{ms}burgh Nov^r 8th 1765

Sir

Colonel Mercer the Distributor of Stamps appointed for this Colony, was also charged with some for the use of Maryland. As the Madness of the people is as great here as with you, I have lodged them all for Safety with Captain Stirling on board the Rainbow, who will deliver those for your Colony to any person whom you shall order to receive them, or will convey them safe up to Anapolis as you shall desire. He has desired I would give you proper Notice of this and will wait your Directions what he is to do with them. God grant our respective people may grow more prudent, and not cut their own Throats

I am with great Regard, Sir

Y^r most obed^t Serv^t

Fran: Fauquier

To his Excel^{cy} Hor. Sharpe Esq^r

ADDRESSES TO GOV. SHARPE ON HIS
RETIREMENT

To his Excellency Horatio Sharpe Esq Governor and Commander in Chief in and over the Province of Maryland.

The humble Address of the Clergy of the established Church.

May it please your Excellency,

Animated with a proper Sense of the Happiness we have enjoyed under your equitable and humane Administration, we beg Leave to take this opportunity of gratefully acknowledging those amiable Virtues, both in your public and private Character, which have Justly procured you the Esteem and Affection of all Ranks, and must forever endear the Name of Governor Sharpe to the Inhabitants of Maryland.

The great Veneration you have always expressed for the sacred Institutions of our holy Religion, your exemplary Attendance on the public Duties thereof, the Respect you have been pleased to shew its Ministers, and the Care you have taken to support their Rights, demand our most dutiful Acknowledgments.

Addresses to those in Power may be prompted by Hope or dictated by Fear; but when a free People from a Conviction of many years Experience of their chief Magistrate's distinguished Merit, voluntarily Join in testifying their Obligations to him by affectionate Addresses at a Time they know he is soon to relinquish his Administration, they discharge a Debt of Gratitude, by giving the most ample Testimony of their Esteem for his Person and Approbation of his Conduct.

Our best Wishes and Prayers shall ever attend you in your Retirement, where the Reflection of having done your Duty to our most gracious Sovereign, his Lordship, and the People over whom you have presided, must give you the most permanent Satisfaction. May the Almighty direct, protect and bless you in the various Changes and Chances of this Life, and finally reward your virtuous Labours with the Approbation of well done good and faithful Servant.

James Macgill
John Eversfield
G. W. Forrester
Will: Brogden
Tho^s Cradock
H. Addison
Isaac Campbell
Philip Hughes
Hugh Neill
John Hamilton
Sam^l Sloan
Robert Reade
William Barroll
Matthias Harris
Andrew Lendrum
John Gordon
W^m Dowie
Daniel Manadier
William West (Minister of St. Paul's Baltimore, R G.)

John Barclay
Alex^r Williamson
Philip Walker
H. Bell
John Ross
John M^cPherson
Samuel Keene
Francis Lander
Dav. Love
Tho^s Alkin
Ro: Benney
Henry Fendall
W^m Edmiston
Tho^s Jn^o Clagett
John Patterson
Walter Magowan

To His Excellency Horatio Sharpe Esq^r Governor and
Commander in Chief, in and over the Province of Maryland.

The Address of the Rector Vestrymen and Church Wardens of All hallows Parish, Ann Arundell County.

May it please your Excellency,

Permit us the Rector, Vestrymen, and Church Wardens of All hallows Parish, to Add our joint Testimony to the many public declarations of regard, Your Excellency has received from the People of this Province, for your Integrity, Prudence, and impartial distribution of Justice, manifested during the whole course of Your Administration, which you have Conducted so highly to your own Honour, and Their universal Approbation.

We also beg leave to express our grateful Acknowledgments to your Excellencys for that engaging easiness of access to worthy Persons of every station; for that polite and Amiable behaviour in private life, which distinguish your character; and for your regular, exemplary attendance on the public worship of God, a practice of such vast consequence to the welfare of society.

That your Excellency therefore, when you withdraw from business, may enjoy an agreeable and honourable retirement, made happy by the conscious remembrance of your virtuous conduct, and the continued esteem of the world; that you may live in the memory of men, and be spoke of, as a Merciful Upright Magistrate; a Sincere and Generous Friend;

and a Pattern worthy the imitation of all succeeding Governors, is, Sir, the hearty and Unanimous Wish of

Your Excellencys
most obedient, and
most humble Servants
Dav. Love Rector

Vestrymen { Lewis Lee
Richard Beard Junior
Cha^s Steward
Rich^d Burgess
Edward Lee
Th^s Watkins

Church Wardens. { Nicho^s Gassaway
Thomas N. Stockett

To Horatio Sharpe Esq^r late Governor of Maryland
The Address of the Justices of Talbot County

Sir

The Right honorable the Lord Proprietary of this Province having been pleased to appoint his Excellency Robert Eden Esq^r a near Relation of his Lordship to succeed you in this Government. Permit us, Sir, on taking Leave of you as our Governor, gratefully to acknowledge the Mildness and Equity of your Administration, and the Benefits and Happiness which have flowed from it to the People of this Province.

Ever since you have presided over us, we have observed, with Pleasure, your steady Care to have the Laws duly executed and Justice impartially administred, and that a Desire to promote the Good of this Province hath been the ruling motive of all your Actions. Such Motives and such Actions, worthy of those that are appointed to rule, must ever render your memory dear to a grateful People.

Your public Virtues impressed us with Esteem and Reverence for the Magistrate, whilst your social Virtues inspired us with the warmest Affection for the Man, and must now give you the Heartfelt Pleasure of being followed into your Retirement by the Prayers and Blessings of a People you made happy. But Virtue like yours will not be suffered to remain long sequestered from the World. and happy will that favored People be, over whom his Majesty shall hereafter appoint you to preside.

Rich^d Bozman
J. Goldsborough
Robt. Goldsborough
Edw^d Oldham
Jam^s Dickinson
Jon^a Nicols
W^m Martin

To His Excellency Horatio Sharpe Esq^r
Governour and Commander in Chief in and over the
Province of Maryland.

May it please your Excellency to permit his Lordships Justices of Queen Anns County Court to offer you their Tribute of Gratitude Esteem and Respect, for the many Instances of your Regard for, and Care of, the Welfare and Happiness of the People of Maryland, in the Course of an Administration which has been honourable to yourself, and easy to those, over whom you have long presided

Give us Leave also Sir, to express the Concern we really feel at the Approach of that Time, when we have Reason to believe your Excellency is no longer to exercise the Powers of Government; A Period which, we are persuaded, wou'd be less disagreeable to his Majesties faithful Subjects here, in proportion if it were much more remote

We have the Honour to be
Sir Your Excellencys most obedient
and most humble Servants

W^m Hopper
Jo. Smyth
John Brown
Geo. Garnett Jun^r
W^m Gould
Chris^r Cross Routh
Th. Wright
Turbutt Wright
Rich^d Mason
Joshua Clark

To His Excellency Horatio Sharpe Esq^r Governor & Commander in Chief in and over the Province of Maryland.

The Humble Address of Somerset County Court.

May it please your Excellency,

We have heard with much regret that your Removal from the Government of this Province, is intended speedily to take place; and tho' your worthy Successor may fully answer every reasonable Expectation, yet the general Harmony maintained by your Excellency with the good People of this Province, and our long Experience of your Wisdom, Mildness and Abilities in Administration, must not only create but justify our Concerns.

Whilst your Integrity in managing the Business of your Department hath fortified your Character and Reputation

against Attacks and Insults of the evil and capricious; your ease of Access and complaisant Deportment with your People have so secured you their Affections, that was there an opportunity afforded to expose any part of your Conduct, among the well disposed, Inclination woud be wanting.

From this, doubtless it is, we find so many Counties of this Province Addressing your Excellency on the Subject of your Removal with so many Expressions of tender Regard. It is from this we join in the general Sorrow and beg leave to present your Excellency this Testimonial of our Love, Gratitude and Esteem. May you be abundantly blessed with the richest of Heavens Blessings: May you long live for the Good and Felicity of Mankind; May you still invariably afford your Patronage to Virtue and its Votaries; And when you shall return from the Business and Bustle of State to the undisturbed Calm of a private Life, may you then be blessed in your retirement. May your generous Breast still glow with that lively Zeal for the good of Maryland which your Actions in many late Instances have so nobly Indicated; and that you may Still reside with us, that so we may be mutually blessed by a reciprocal Participation of Affection, are the ardent Desires and Sincere wishes of your Excellencys most Obedient humble Servants

Levin Gale
Sam^l Wilson
J. Wheatley
W^m Winder
Ephr^m King
John Adams

W^m Adams
Tho^s Moore
Teague Rigger
Levin Dashiell
Thomas Handy
William Flemming

W^m Horsey

To his Excellency Horatio Sharpe Esq^r Governor of Maryland

May it please your Excellency.

The Court and Grand Jury of S^t Marys County for the time being, begg leave to express their deep sense of Gratitude for your Excellency's mild equitable and beneficial Administration.

Truly sensible of the many blessings flowing from your Excellency's unremitting Attention to the Prosperity and Happiness of his Majesties Subjects, the People of this Province during the time Your Excellency has presided over

us: Permit us to express the great concern we are under at the Apprehension of being shortly deprived of a Ruler, who has proved himself a strict observer of every relative duty, and a Steady Friend to constitutional Liberty.

Sam^l Abell foreman of the
Grand Jury

Barn. House
Jeremiah Jordan
John Black
Th^s Greenfield
Tho^s Bond

November the 17th 1768

To His Excellency Horatio Sharpe Esq^r Governor of
Maryland

The Address of the Justices of the Peace and Grand Jury
for Kent County.

We his Majestys dutifull and loyall Subjects The Justices of the Peace and Grand Jury for the County of Kent beg Leave to express to your Excellency the unfeigned Sorrow and Regret we feel and perceive by the Publick Papers that the Time of your Excellencys continuing as Governor over us is limited to a short space.

Truly sensible that during your Excellencys Residence here The Kings Prerogative His Lordships Rights and the Liberty of the People have been equally your Care that by your prudent Just and Mild Administration the Laws of the Land have had their full Force, and the Courts of Justice remained unimpeached; and that at severall different Periods when it required much Skill and Judgment to direct the Political Helm, Affairs were so wisely and prudently Conducted by your Excellency, that the People of this Province found themselves under fewer Embarassments, than those of other Places. Permit us therefore Sir to declare the Concern we feel at the Apprehension of losing a Governor and Chancellor whose Conduct in those important Stations has given universal satisfaction. The open polite and free benignity of Disposition so naturall to your Excellency has rendered all Address to you easy. We hope Sir for a long continuance of your presence among us, that yourself and

the People may reciprocally experience the Blessings of Benevolence and Gratitude.

R Gresham	W. Ringgold Jun.	Ja ^s Anderson
Tho ^s Garnett	Jn ^o Eccleston	J. Maxwell
R. Cruikshank	R ^d Frisby	Sam ^l Thompson

Grand Jurors
 Lovering Merritt
 Jonathan Smith
 Thomas Pratt
 Barney Corse
 Stepⁿ Hodges
 Morgan Brown
 Geo. Medford
 Robert Meetis
 Jn^y Smith
 Thos. Germin
 John Clark
 Tho^s Hepporn
 John Rolph
 John Sutton
 Simon Worrell
 Tho^s Mason
 Charles Baker
 Sam^l Thomas.

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